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# ACTS

PASSED AT THE SECOND SESSION OF

*THE THIRTIETH,*

AND THE FIRST SESSION OF

*THE THIRTY-FIRST*

**GENERAL ASSEMBLY**

FOR THE

**COMMONWEALTH OF KENTUCKY.**

BEGUN AND HELD IN THE TOWN OF FRANKFORT, ON MON-  
DAY THE THIRTEENTH DAY OF MAY; AND THE TWEN-  
TY-FIRST OF OCTOBER, 1822.

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**JOHN ADAIR, GOVERNOR.**

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**PUBLISHED BY AUTHORITY.**

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**FRANKFORT, KY:**

**PRINTED BY J. H. HOLEMAN,**

**PRINTER FOR THE STATE.**

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**1823.**

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# CONTENTS.

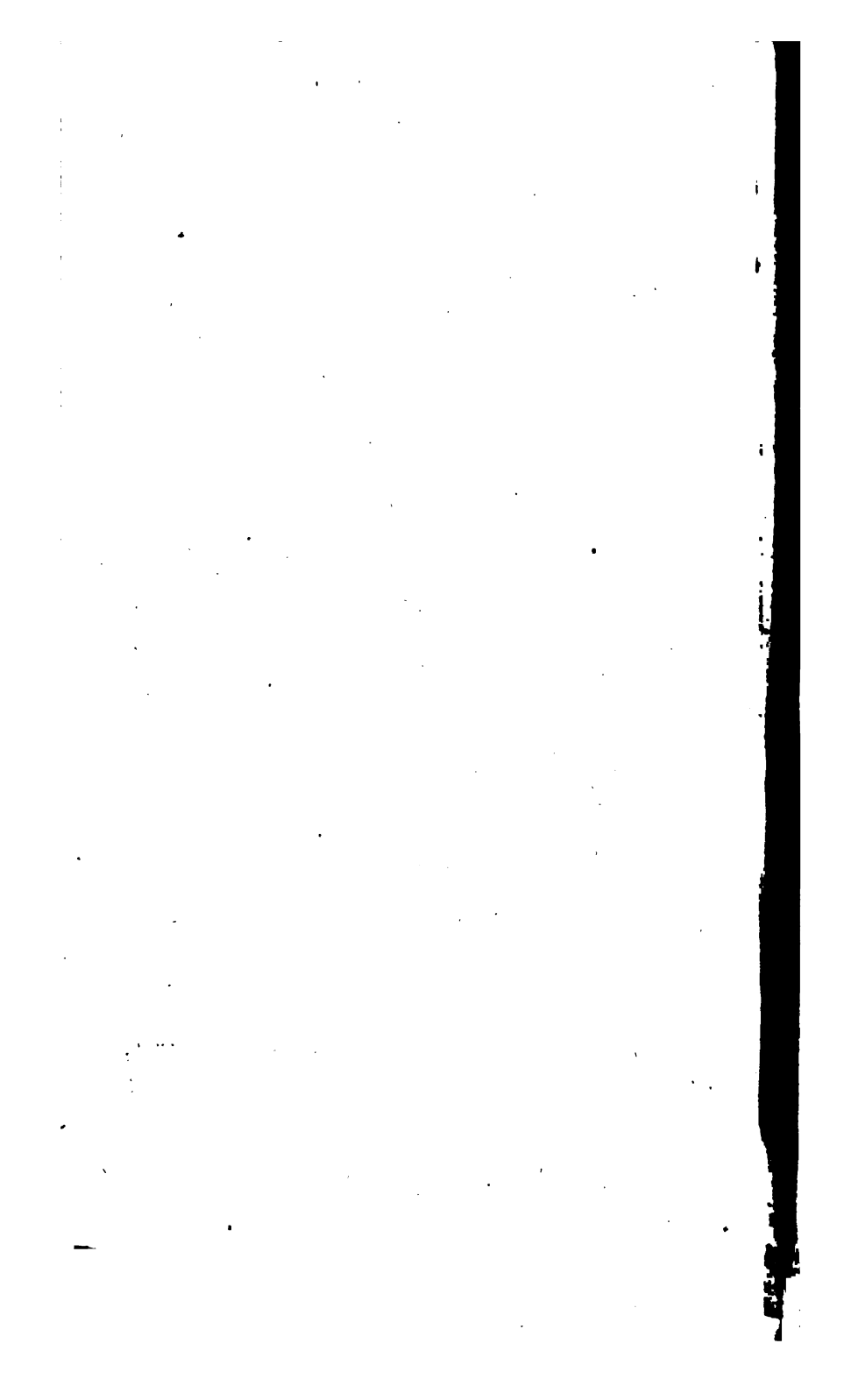
PAGE.	PAGE.
AN ACT laying off the State into Congressional districts.	9 Washington, Adair, Greenup, Hardin and Casey. 31
To extend the prison bounds to the limits of the state.	12 For the benefit of Thomas Gatton and others. 35
To amend an act entitled "an act for surveying the military claims west of the Tennessee River.	For the benefit of Nathan Hawkins, 36
For the appropriation of money.	To amend the several acts passed for the benefit of the heirs of Joseph Dupey: 1b
For the relief of the sheriffs of Cumberland and Jefferson counties.	13 For the benefit of Thomas Conway. 37
To extend the indulgence allowed to the Judge of the thirteenth Judicial District.	19 To attach the county of Owen to the fourth, and the county of Muhlenburg to the sixth bank district of the Bank of the Commonwealth of Kentucky. 38
For the relief of Susannah Stroud.	1b For the benefit of Benjamin Lawless. 40
Authorising the editors of the Richmond Republican and the Farmers' Chronicle and the Morning Post and Commercial Advertiser, to insert certain advertisements.	For the relief of the Representatives of David Johnson dec'd To authorise the trustees of the town of Harrodsburg to cause payments to be made in said town. 41
Establishing Tobacco Inspections in the town of Dover, in the county of Mason, and in the town of Covington, in the county of Campbell.	22 For the benefit of Benoni S. Newland and Jamea Lyon and Thomas Rowe. 42
To legalize certain proceedings of the Union county court.	1b To incorporate the Springfield Circulating Library Company 44
For the benefit of the heirs of Alexander Ashby and John Metcalfe.	23 For the benefit of the heirs of James Kirkham. 46
To establish election precincts in Lincoln and Fleming counties, and for other purposes.	For the benefit of the widow and heirs of Archibald Mitchell. 47
For the benefit of Cyrus Edwards and wife.	24 For the benefit of George Adams. 1b
For the benefit of Joseph Dulaney of Lincoln county and Merit Singleton of Rockcastle county.	25 Regulating the county court of Fayette. 48
For the relief of William Scott and Sally M'Galin.	27 For the relief of certain clerks in this Commonwealth. 1b
For the relief of the widow and heirs of William Craig dec'd.	For the benefit of Angus Ross. 49
To establish election precincts in the counties of Floyd,	28 Authorising a lottery for the benefit of the Lexington Light Artillery Company. 50
	29 Establishing the Sulpher fork of Drake's creek as the division line between the counties of Simpson and Allen. 51
	30



of Jacob Anderson dec'd.	109	For the benefit of the sheriff of Rockcastle county, and for other purposes	142
For the relief of Joseph Watts and the heirs of Daniel North.	110	To establish the county of Morgan	145
For the benefit of the administrator of Isabella Razor dec'd.	Ib	To amend the law adding a part of Logan county to the county of Todd	148
To authorise the sale of the real estate of Turner Bottom dec'd	111	Authorising a lottery for the purpose of erecting a house in Lexington, for the use of the Medical school	149
To extend the powers of the trustees of the town of Shippsport:	Ib	To amend an act entitled, "an act regulating endorsements on executions	151
To extend the powers of the trustees of the town of Lexington.	113	Providing for paying the commissioners under the compact with Virginia.	152
To alter the time of holding certain circuit courts.	114	To appoint trustees to the town of Mount Vernon, and for other purposes	153
For the benefit of John P. Thomas.	116	Making copies of patents evidence in certain cases	154
In relation to the road from Mount Sterling to the Virginia line.	Ib	To repeal so much of any law as authorises a chancery term to be held in November, in the county of Logan, and to allow chancery terms to be held in Barren and Warren	155
To establish election precincts in the counties of Graves and Casey.	117	For the benefit of the widow and heirs of William Findley	157
To establish an election precinct in Garrard county.	118	To establish an election precinct in Logan county	Ib.
Concerning the bank of Kentucky and the bank of the commonwealth of Kentucky.	119	For the benefit of the heirs of Elijah W. Dulaney, deceased	158
Providing for copying certain records in the surveyor's office of Fayette county.	124	To increase the number of justices of the peace in Harlan county	160
For the benefit of the widow and heirs of Benjamin True.	125	Imposing a duty on sales at auction in the county of Fayette, for the benefit of the law department of Transylvania University.	Ib
For the benefit of the widow and heirs of William Chinn.	126	Altering the terms of certain Circuit Courts and for other purposes.	162
For the benefit of the infant heirs of James Shannon.	Ib	To incorporate the trustees of the Augusta College.	163
For the benefit of Constant A. Wilson and others	127	For the benefit of Martin Beatty and others	172
For the benefit of Joseph Huford.	128	To provide for paying part of the debts due from the Penitentiary.	173
For the benefit of the heirs of Claiborne Walton deceased	129	To amend an act entitled "an act for the benefit of Samuel Lewis.	147
For the benefit of the wife and children of Lawrence Flournoy	Ib.	To establish a Lunatic Asylum.	Ib.
For the better regulation of the town of Cadiz in Trigg county	130	To amend the several acts rela-	
For the benefit of Silas Payne, John Tyler and their wives	136		
To establish a ferry on the land of James Riddle	138		
Allowing additional justices of the peace in certain counties	Ib.		
For the relief of the heirs of Israel Thompson	139		
For the relief of certain sheriffs	140		
For the benefit of Augustus Haydon	141		

live to the town of Henderson.		vey.	206
Requiring the Auditor of Public Accounts to transcribe certain books and papers in his office.	176	To regulate the turnpike road from Georgetown to Cincinnati.	207
To endow an asylum for the tuition of the Deaf and Dumb	177	To amend the Militia Law	208
To authorise a lottery for the purpose of draining the ponds in the town of Louisville and adjoining thereto.	179	Authorising certain county courts to purchase tools for repairing roads.	209
Making further donations to the Louisville Hospital.	181	To authorise a sale of a part of the real estate of Edward Jenkins deceased.	Ib.
For the benefit of Eather Grimes.	184	For the benefit of Jesse Noland and John W. Sterne.	210
To alter the time of holding certain circuit and county courts.	185	To authorise the opening a state road from Frankfort to Bowling-Green.	211
Concerning the Board of Trustees of the town of Columbus, and for other purposes.	186	Providing for the opening of a road from Bowling Green to the mouth of Clover creek on the Ohio river.	212
To direct the Sheriff of Harlan to pay over certain monies and for other purposes.	187	To amend the law concerning the collection of tax on law process.	214
For the establishment of a state road from Lexington to Ghent on the Ohio river.	189	For the benefit of Elizabeth Moore, the widow of Hector W. Moore deceased, and his heirs.	215
For the benefit of Hiram B. Grooms and others.	190	For the benefit of Reuben Browning.	Ib.
For the benefit of the widow and heirs of Robert Looney, deceased.	192	To amend the penal laws of this Commonwealth.	216
Establishing an additional inspection of tobacco in the town of Louisville.	193	Supplementary to an act entitled "an act to establish a Lumatic Hospital.	217
To amend the law providing for the collection of debts due the Penitentiary.	Ib.	For the divorce of Peter Pursell.	Ib.
For the benefit of keepers of toll-bridges.	194	To amend the law respecting Printers in this Commonwealth.	218
To enlarge the Penitentiary, and to provide for the more speedy sale of the articles manufactured in that institution.	Ib.	To establish the town of Waldboro' in the county of Callo way, and to provide for the sale of the lots.	Ib.
For the benefit of the Widow and heirs of John D. Gray, deceased.	195	Supplementary to the act for the appropriation of money.	222
For the benefit of Charles Binns and the heirs of Timothy Hixon.	200	For the appropriation of money.	Ib.
For the relief of Nancy Mosley.	202	To suspend an act entitled "an act concerning Chaplins fork of Salt river, approved, February 10, 1820.	225
Authorising the erection of a bridge across Licking river.	203	To change the time for the annual meeting of the Legislature.	227
For the benefit of the heirs of Joel and Judith Noel.	Ib.	Vesting the county court of Madison with the power of permitting a house of public worship to be erected on the public square.	Ib.
To change the venue for the trial of John and Samuel Har-	205	For the benefit of Isaac Taylor,	

surveyor of Cumberland county.		certain duties.	234
For the benefit of Polly and Betsy Singleton.	228	To authorise the sale of the real estate of John Williams, a person of unsound mind.	235
To extend the term of the Henderson circuit court.	Ib.	To establish and regulate the town of Louisa in the county of Lawrence.	237
For the benefit of the Sergeant of the Court of Appeals.	229	For the benefit of John Jackson.	241
Supplemental to an act entitled, "an act concerning the Bank of Kentucky and the Bank of the Commonwealth."	230	To authorise the running and marking the line between the counties of Cumberland and Monroe.	Ib.
To amend an act for the benefit of the devisees of John Curd and the heirs of Price Curd.	Ib.	To establish an inspection on Big Barren river.	242
To authorise the appointment of a surveyor of the lands set apart for the officers and soldiers of Virginia state line	231	To amend an act for the benefit of Francis Emmersons heirs.	243
To authorise the insertion of certain advertisements in the Columbian Spy.	Ib.	To amend the several acts providing for the publication of the decisions of the court of Appeals.	244
Directing the clerk of the Hardin county court to perform	233	RESOLUTIONS,	15, 247
		INDEX,	257



# ACTS

## OF THE

### GENERAL ASSEMBLY:

[PASSED AT MAY SESSION 1822.]

#### CHAP. CCCXLVI.

*An ACT laying off the State into Congressional Districts.*

Approved, May 23, 1822.

WHEREAS by an act of Congress passed in the present year, for the apportionment of the representation of the several states, it is provided, that the state of Kentucky shall be entitled to twelve members to represent it in the Congress of the United States. Preamble.

In order that the state may be fairly and equally represented in all its parts,

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky, That this state shall be and it is hereby divided into twelve Congressional Districts, as follows :* State divided into twelve districts.

1st. The first district shall be composed of the counties of Montgomery, Bath, Fleming, Floyd, Lawrence, Pike, Greenup and Lewis. First.

2nd. The second district shall be composed of the counties of Bourbon, Nicholas, Mason and Bracken. Second.

3rd. The third district shall be composed of the counties of Fayette, Woodford and Clarke. Third.

4th. The fourth district shall be composed of the counties of Estill, Madison, Clay, Perry, Knox, Harlan, Rockcastle, Whitley and Garrard. Fourth.

- Fifth.** 5th. The fifth district shall be composed of the counties of Scott, Harrison, Pendleton, Grant, Campbell and Boone.
- Sixth.** 6th. The sixth district shall be composed of the counties of Franklin, Shelby, Henry, Gallatin and Owen.
- Seventh.** 7th. The seventh district shall be composed of the counties of Mercer, Washington, Lincoln and Jessamine.
- Eighth.** 8th. The eighth district shall be composed of the counties of Pulaski, Wayne, Cumberland, Adair, Green and Casey.
- Ninth.** 9th. The ninth district shall be composed of the counties of Jefferson, Bullitt and Nelson.
- Tenth.** 10th. The tenth district shall be composed of the counties of Monroe, Warren, Barren, Simpson, Allen and Logan.
- Eleventh.** 11th. The eleventh district shall be composed of the counties of Henderson, Muhlenburg, Butler, Ohio, Grayson, Breckenridge, Daviess, Hardin and Hart.
- Twelfth.** 12th. The twelfth district shall be composed of the counties of Hickman, Livingston, Caldwell, Trigg, Todd, Christain, Hopkins and Union.

**Elections when held.** **Sec. 2.** *Be it further enacted,* That, on the first Monday in August next, and on the same day every second year thereafter, the qualified voters in the several districts aforesaid, at the places they vote for representatives for the state legislature, shall also vote for some fit person, who shall reside in this state, being twenty five years of age, and having been a citizen of the United States for seven years preceding the election, to represent them in Congress for the term of two years from the 3d. day of March 1823.

**Sheriffs to compare polls.** **Sec. 3.** *Be it further enacted,* That the Sheriff's of the several counties in each district, shall on the fifteenth day after the commencement of their elections, assemble at the places hereinafter designated, in each of their representative districts, and then, by faithful comparison and addition, ascertain the person elected in their district.



**Sec. 4. *Be it further enacted,*** That the sheriffs for the first district shall meet at the court house in the county of Bath; the sheriffs for the second district at the court house of Nicholas county; the sheriffs for the third district at the court house in the county of Fayette; the sheriffs for the fourth district at the court house in the county of Rockcastle; the sheriffs for the fifth district at the court house in the county of Grant; the sheriffs for the sixth district at the court house in the county of Owen; the sheriffs for the seventh district at the court house in the county of Mercer; the sheriffs for the eighth district at the court house in the county of Adair; the sheriffs for the ninth district at the court house in the county of Bullitt; the sheriffs for the tenth district at the court house in the county of Warren; the sheriffs for the eleventh district, at the court house in the county of Grayson; and the sheriffs for the twelfth district, at the court house in the county of Caldwell.

Where to meet.

**Sec. 5. *Be it further enacted,*** If, on comparing the polls in any one district, it shall so happen that two or more candidates stand equal in number, the sheriffs so assembled, shall vote for one of them, and if after such vote, an equal number shall remain, in that case the sheriffs shall determine by lot, which of the candidates shall be returned elected.

If the two highest candidates are equal; how election decided.

**Sec. 6.** After having ascertained as before directed, the person elected in each district, which shall be signed by all the sheriffs of the district, and lodged with the sheriff of the county wherein the polls are compared, and by him, together with a copy of the polls, transmitted to the Secretary of State.

Certificates to be sent to Secretary.

**Sec. 7. *Be it further enacted,*** That the sheriffs so assembled to compare the polls, and for transmitting the necessary papers to the Secretary of State, shall be entitled to one dollar and fifty cents for every twenty-five miles in going to, and returning from the place where such papers are to be deposited, and two dollars per day for every day while there necessarily; to be paid out of the treasury.

Compensation to sheriffs.

CHAP. CCCXLVII.

*An ACT to extend the prison bounds to the limits of the state.*

Approved, May 29, 1822.

**Sec. 1.** *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the prison rules or bounds, shall be, and the same are hereby extended to all the limits of this Commonwealth; any law to the contrary notwithstanding.

**Sec. 2.** It shall be the duty of the jailor to whom an order may be issued by a justice of the peace, to discharge any person or persons from custody under the provisions of the third section of the act abolishing imprisonment for debt, forthwith to discharge such person or persons; and upon his refusal to grant such discharge, he shall be liable to the party aggrieved for damages, as in case of false imprisonment, and moreover, shall by motion to the county court, be removed from office; *Provided,* that nothing contained in this act, or the act abolishing imprisonment for debt, shall be so construed as to abolish imprisonment for riots, routs or breaches of the peace.

CHAP. CCCXLVIII.

*An ACT to amend an act entitled "an act for surveying the military claims west of the Tennessee River."*

Approved, May 29, 1822.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That until the first day of March 1824, be allowed to the claimants to return the plats and certificates of surveys upon the entries, made upon military warrants before the first day of May 1792, west of the Tennessee River, any law to the contrary notwithstanding.

CHAP. CCCXLIX.

*An ACT for the appropriation of money.*

Approved, May 29, 1822.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the following allowances be made to the persons hereafter mentioned, viz.*

To the speakers of the senate and house of representatives, four dollars per day each.

Speakers of  
Senate and H.  
Representa-  
tives.

To the clerks of the senate and house of representatives, sixty dollars per week each.

Clerks.

To the sergeants at arms and door keepers of the senate and house of representatives, twenty one dollars per week each.

Sergeant at  
arms and door  
keepers.

To the clerks of the committees of the senate and house of representatives fourteen dollars per week each.

Clerks of com-  
mittees.

To Kendall and Russell for stationary furnished the clerk of the house of representatives during the present session, thirty eight dollars seventy five cents.

Kendall and  
Russell.

To William Wood for stationary furnished the clerk of the senate during the present session and for blanks for the adjutant general, one hundred and six dollars seventy five cents.

Wm. Wood.

To Caleb H. Ricketts for eight days services in making maps of the road from Danville to the Tennessee line, sixteen dollars.

Caleb H. Rick-  
etts.

To Roger Divine for water, buckets, &c. furnished during the present session, six dollars seventy five cents.

R. Divine.

To Reges and Moses, (negro men) for services rendered the senate and house of representatives during the present session, five dollars each.

Regis & Moses

To the commissioners of the literary fund to defray expences which they may necessarily incur in discharge of their duties, a sum not exceeding two hundred dollars, to be drawn by their chairman.

Commissioners  
of literary fund

To William Littell and Jacob Swigert in advance for the copies of the digest of the statute laws to be furnished the state, four thousand dollars.

Littell & Swi-  
gert.

Davy Jones. To Davy Jones for ringing the bell during the present session, five dollars.

R. Divine and J. Crutcher. To Roger Divine and John Crutcher for furnishing water, sweeping the representative and senate chambers, and attending to the same during the present session, fifteen dollars each.

J. H. Holeman. To Jacob H. Holeman for newspapers furnished during the present session, twenty five dollars.

Kendall and Russell. To Kendall and Russell, public printers, in full for their services up to this time, eight hundred and eighty two dollars.

J. Abril &c. To John Abril, John Miller jr. John Shannon and Rutherford Coffey, the sum of twenty five dollars each, for their services and expences in apprehending and conveying to Rockcastle jail, Robert Duncan and Thomas C. Pipes, fugitives from justice, charged with felony, for which services no compensation is allowed by law.

B. J. Taul. To Benjamin J. Taul late sheriff of Clarke county, for money improperly paid into the treasury, ninety four dollars sixty four cents.

Sergeant at arms, H. R. To the sergeant at arms of the house of representatives for summoning Judge Clarke to appear before that house, six dollars.

J. Crutcher. To John Crutcher door keeper of the senate for furnishing wood and making fires during the present session, six dollars.

# RESOLUTIONS.

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*A Resolution referring the Governors message and documents relating to the mission from Virginia to a joint committee.*

**RESOLVED** by the General Assembly of the Commonwealth of Kentucky, That the message from the Governor of this day, communicating the letter of Benjamin Watkins Leigh, Esq. commissioner from the General Assembly of the state of Virginia and the documents therein mentioned, be referred to a joint committee of two from the senate and four from the house of representatives.

---

*Resolutions fixing on a day for receiving a communication from the commissioner from Virginia.*

**RESOLVED** by the General Assembly of the Commonwealth of Kentucky, That it is expedient to receive from Benjamin Watkins Leigh, Esq. commissioner from the state of Virginia, such communication as he may be authorised to make, to be addressed to both houses of the General Assembly.

*Resolved*, That the commissioner will be received at the bar of the house of representatives on Friday next at eleven o'clock, and that seats be appropriated for the use of the senators to enable them to hear such communication.

*Resolved*, That the speaker of the house of representatives communicate these resolutions to the commissioner.

---

**RESOLUTIONS** providing for the appointment of commissioners, under the 8th article of the compact with Virginia.

Approved, May 29, 1822.

The select committee to whom was referred the message of the Governor and accompanying documents, relative to the military claims west of the Tennessee river, have had the same under consideration, and ask leave to report.

That, whereas, the state of Virginia has through her commissioner, Benjamin Watkins Leigh, esquire, commu-

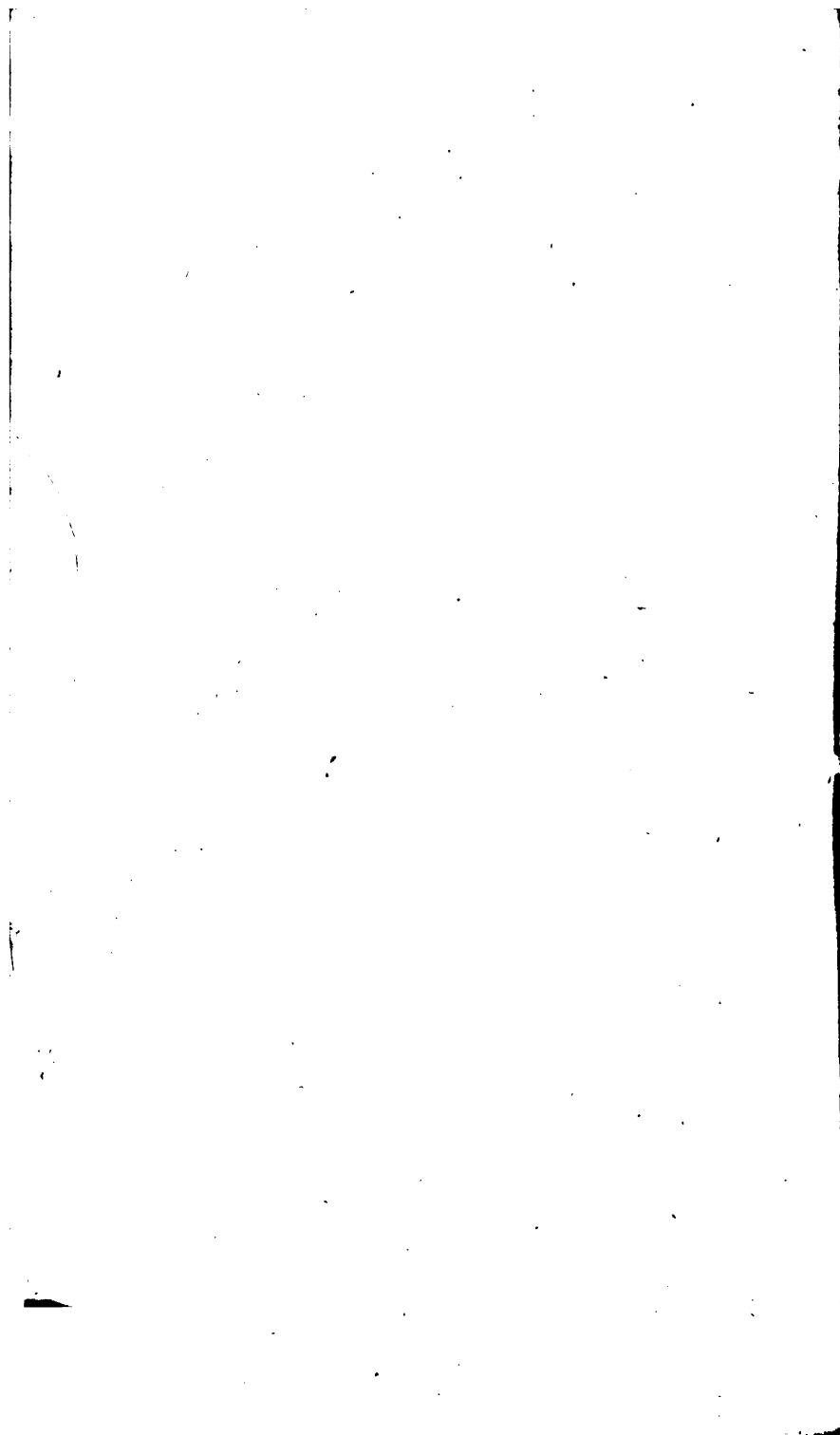
hicated certain resolutions of the legislature of that state, touching the unsatisfied claims of the officers and soldiers of the Virginia state line, to bounties in lands; requiring of the state of Kentucky to recognize by law their right to locate unsatisfied military warrants, west of the Tennessee river; and to permit the holders of those already located upon bad land or so as to interfere with other claims, to withdraw the same and survey them on any lands in the said district west of the Tennessee river; or upon the refusal of the legislature of Kentucky to pass such law, then requiring the appointment of a board of commissioners, to be organized under the 8th article of the compact between the two states, who shall be authorised to decide such points as shall be in difference between them; and as the state of Kentucky cannot accede to the first proposition, because she is satisfied that the claims set forth by Virginia, in behalf of the officers and soldiers of her state line, ought not to be recognized as valid against the state of Kentucky; but as the state of Virginia has preferred the claim, a respect for her, and a sacred regard for justice induces the legislature of Kentucky, in the spirit of conciliation and friendship, promptly to accede to the second proposition; more especially as the state of Kentucky claims the right to pass the several laws which have been enacted by her legislature, in relation to occupying claimants of land, who may have lost, or who may loose their lands, in consequence of elder or better claims, derived either from the laws of Virginia or this state—and that nothing in the compact between Virginia and Kentucky forbids the same. And inasmuch as the same has been questioned under colour of said compact, and that this state has made known to Virginia, through her commissioners Henry Clay and Geo. M. Bibb, esquires, appointed for that purpose, her desire to have the validity of said laws, recognized by Virginia, or any difference of opinion touching the same to be referred to a board of commissioners, to be appointed by said states respectively, pursuant to the provisions of the 8th article of said compact, which proposition was declined by Virginia, and the latter alternative rejected by her upon the ground, that the said commissioners were not authorised to solicit the appointment of such board of commissioners, provided to be appointed by the said compact, to take into consideration, and decide all matters of difference between the two states, arising under the provisions and true construction of said compact; which board, Virginia professed herself willing

to have appointed, to be vested with such general powers. And, whereas, this state is willing and desirous to have not only the right of this state to pass the laws commonly called the occupying claimant laws, but all matters of difference or complaints which have been or may be preferred by either of said states against the other, on the ground of said compact, submitted to and decided by such board; therefore,

*Resolved, by the General Assembly of the Commonwealth of Kentucky,* That it is expedient to appoint a board of commissioners, as desired by the state of Virginia, in her communication to this general assembly, under the eighth article of the compact, to determine all matters of controversy between the two states.

*Resolved,* That a commissioner be appointed by joint vote of the senate and house of Representatives, on the part of this state, with authority to enter into the necessary arrangements and stipulations with the Virginia commissioner preparatory to the organization of the tribunal under the compact, and report the same to the legislature of Kentucky at their next session, to enable them to appoint commissioners on the part of Kentucky; which report shall be subject to the controul of the legislature.

*Resolved,* That the governor of Kentucky, be requested to communicate the foregoing resolutions to Benjamin Watkins Leigh, esq. the commissioner from Virginia.





**ACTS**  
**OF THE**  
**GENERAL ASSEMBLY.**

[PASSED AT OCTOBER SESSION.]

**CHAP. CCCL.**

*An ACT for the relief of the sheriffs of Cumberland and Jefferson counties,*

Approved, October 26, 1822.

**WHEREAS** it is represented to the present General Assembly, that the revenue tax for the county of Cumberland has not, nor cannot be collected in time to be paid into the public treasury as soon as required by law, in consequence of the indisposition of Lemuel Stockton one of the deputy sheriffs of said county ; Wherefore,

*Sec. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the

sheriff, or either of his deputies, of the county of Cumberland on producing to the Auditor of public accounts, an affidavit made by him or them, before a justice of the peace, stating that the sum by him or them paid into the treasury, amounts to as much as he or they have collected from the people of said county, for the revenue tax of one thousand eight hundred and twenty one, and paying the same into the public treasury on or before the first day of January next, shall be allowed until the first day of June next for paying the residue tax of said county for the year one thousand eight hundred and twenty one. And all damages and interest imposed by law on sheriffs for failing to pay the revenue

Recital.

The sheriff of Cumberland allowed further time to collect and pay over the balance of the revenue for 1821, into the treasury.

All damages remitted.

into the public treasury in the time required by law, shall be released and remitted as to the said sheriff of Cumberland county for the year one thousand eight hundred and twenty one.

Further recital **Sec. 2.** And whereas, it is represented that John Jones Esq. sheriff of Jefferson county has been charged with the tax upon two billiard tables, the one owned by Archibald Allen, the other owned by John Greatsinger: The tax upon neither of which could be collected, owing to the incapacity of the persons aforesaid to pay the same, and the auditor has obtained a judgment against him therefor, as also the additional sum of one hundred and five dollars, the amount of sundry delinquent lists in the precincts of his respective deputies, amounting in all to five hundred and five dollars, for which the auditor has no authority to credit the said judgment because they were not all certified by the county court of Jefferson county, according to the provisions of the statute on that subject; wherefore,

The auditor directed to allow a credit on an execution against the sheriff of Jefferson. *Be it further enacted,* That the auditor is hereby authorised and required to credit any execution which has or may issue upon the judgment aforesaid against the said Jones, with the sum of five hundred and five dollars, being the amount of delinquencies of the revenue due from Jefferson county for the year one thousand eight hundred and twenty, collectable in the year one thousand eight hundred and twenty-one, together with the per centum allowed thereon.

**Sec. 3.** And whereas, it is represented that the said Jones has been unable owing to the sickness and mortality with which the town of Louisville and the county of Jefferson, has been unhappily visited during the present year, to collect the amount of revenue and county levies due from that county for the year one thousand eight hundred and twenty-one, and it is unreasonable that he should be thereby made individually liable therefor: wherefore,

*Be it enacted,* That the said Jones, shall have until the first day of June next, to collect and

pay over the same; during all which time he shall possess ample power to do the same. nor shall he be liable to be proceeded against by the auditor, or the county court of Jefferson county, or any public creditor for the same, until the expiration of the period aforesaid.

Further time allowed him to collect and pay over the revenue and county levy for 1821.

---

CHAP. CCCLI.

*An Act to extend the indulgence allowed to the Judge of the thirteenth Judicial District.*

Approved, October 26, 1822.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky, That in addition to the time now allowed the circuit judge in and for the thirteenth Judicial district to move into, and reside within his district, the farther time of a twelve month is allowed him for that purpose.*

12 months longer allowed the Judge to remove into his district.

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CHAP. CCCLII.

*An Act for the relief of Susannah Stroud.*

Approved, October 29, 1822.

WHEREAS, an act passed the nineteenth day of December one thousand eight hundred and twenty-one, entitled an act for the divorce of sundry persons, and by mistake Susannah Stroud in said law was called Sally Stroud.

Sec. 1. *Be it therefore enacted by the General Assembly of the Commonwealth of Kentucky, That Susannah Stroud, shall be entitled to all the benefits and privileges of the before recited act, any law to the contrary notwithstanding.*

CHAP. CCCLIII.

*An ACT authorising the editors of the Richmond Republican and the Farmers' Chronicle and the Morning Post and Commercial Advertiser, to insert certain advertisements.*

Approved, October 29, 1822.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall and may be lawful for the editors of the Richmond Republican, and the Farmers' Chronicle, newspapers printed at Richmond, Kentucky, to insert in said papers, any and all advertisements which are authorised to be published in any news-paper published in this state, except such as are particularly directed to be published in the paper of the public printer. And the editors of said papers shall have a right to demand and receive the same fees for their services, as are now allowed by law to other printers for similar services.*

Sec. 2. *Be it further enacted, That it shall be lawful for any advertisements, which are required by law to be published, in a news-paper, to be inserted in the Morning Post and Commercial Advertiser, a paper printed in Louisville, and that the editors of said paper shall be entitled to the same fees and be governed by the same regulations as other printers in this Commonwealth. Provided, that nothing herein contained shall be construed, so as to authorise the insertion of such advertisements as are particularly required by law, to be published in the paper of the public printer.*

CHAP. CCCLIV.

*An ACT establishing Tobacco Inspections in the town of Dover, in the county of Mason, and in the town of Covington, in the county of Campbell.*

Approved, October 31, 1822.

Inspection of Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky, That an in-*

spec<sup>tion</sup> of tobacco be established in the town of Dover, in the county of Mason, under the same regulations as inspections of the like kind now are in this commonwealth. tobacco estab-  
lished at Dover

Sec. 2. *Be it further enacted*, That an inspection of tobacco, be established in the town of Covington, in the county of Campbell, under the same regulations as inspections of the like kind are in this commonwealth. At Covington.

### CHAP. CCCLV.

*An ACT to legalize certain proceedings of the Union county court.*

Approved, November 4, 1822.

WHEREAS it is represented to the present General Assembly that the Union county court, at their last November or December term, made an order appointing commissioners to let out the building of a bridge across Highland creek; that the commissioners after duly advertising the same, did let out the building of the bridge, and that the bridge has been completed by the undertakers. It is also represented that when the said order was made, there was not a majority of all the justices in the county present, in consequence of which, doubts have arisen as to the legality of the order: Therefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the proceedings of the said county court concerning said bridge be, and the same are hereby declared legal and valid to all intents and purposes, and that the said county court shall proceed to fulfill the contract entered into by the undertakers with the commissioners in pursuance of said order. Proceedings in  
relation to the  
erection of a  
bridge legaliz-  
ed.

CHAP. CCCLVI.

*An ACT for the benefit of the heirs of Alexander Ashby and John Metcalfe.*

Approved, November 4, 1792.

Preamble.

WHEREAS it is represented by the administrators of Alexander Ashby deceased, that he departed this life, possessed of sundry tracts of land, and several slaves, but considerably indebted ; that his personal estate exclusive of his slaves, is inadequate to the payments of his debts ; and that it would be more beneficial to his children, ten in number, that one of his tracts of lands, rather than his slaves, should be sold for the payment of his debts : and it is further represented that the sale of two hundred acres of land; lying on Pogue's creek, in the county of Hopkins, of which the said Ashby died seized, would be sufficient for the discharge of his debts, and that the said tract will not increase in value, while the improvements thereon will fall into ruin ; Wherefore,

Circuit court of Hopkins authorized to decree the sale of land of Ashby to pay debts.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That it shall be competent to the circuit court of Hopkins county, and it is hereby authorised and empowered, upon the petition of the administrators of the said Ashby, filed in the said court, to that effect, and upon the exhibition by said administrators, of such proof by affidavits or otherwise, as will satisfy said court, that it would be more advantageous to the children and heirs of said decedant, that the tract of land aforesaid, rather than the slaves aforesaid, should be sold for the payment of his debts, to decree the sale of the said land for that purpose, at such length of credits, and under such modifications of caution in relation to the interests and security of the children and creditors of the decedant, as may in their sound discretion seem requisite.

Also the sale of the land of Metcalfe.

Sec. 1. And whereas, the like representation is made by the administrators of John Metcalfe; who also died in Hopkins county, leaving several children, and being at the time of his death possessed of a tract of land and several slaves -

Wherefore, *Be it further enacted*, by the authority aforesaid, that the circuit court aforesaid, may and it is hereby authorised in like manner upon the petition of the administrators of the said Metcalfe filed in said court for that purpose, and upon the exhibition of the like proof, and consequent conviction therefrom, that it will be most beneficial to the children and heirs of the said decedant, decree the sale and conveyance of a tract of one hundred and sixty acres of land lying on Caney creek in the county of Hopkins, of which the said Metcalfe died seized, with like precautions for the protection of the substantial interests of the children and heirs and creditors of the decedant.

## CHAP. CCCLVII.

*An ACT to establish Election Precincts, in Lincoln and Fleming counties, and for other purposes.*

Approved, November 4, 1822.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That all that part of Lincoln county, within the following bounds to-wit: Beginning at the dwelling house of Thomas Vaughn, in said county, thence a direct line to Samuel Moore's, near the road leading from the Crab-orchard to Stanford, thence a direct line to the mouth of Wilkerson's creek on Dicks river, thence a due north course to the Lincoln county line, thence with the Lincoln county line eastwardly, around the east end of the county, to the intersection of the precinct line on the south side of said county, thence with the precinct line westwardly to a point opposite Thomas Vaughn's, thence a direct line to the beginning, shall constitute an election precinct; and the election shall be held at the dwelling house of Churchwell Allen, at the crab-orchard.

Bounds of precinct, in Lincoln.

Election to be held at C. Allen's.

Sec. 2. *Be it further enacted*, That all that part of the county of Fleming, lying within the

Bounds of precinct in Fleming.

following bounds to-wit: Beginning at the junction of the Nicholas, Mason and Fleming county lines; thence with the Nicholas county line to the mouth of Fleming creek, thence with said creek to Dulin's mill, thence with the road leading to Patton's saw-mill to the said mill; thence a north course to the Mason county line, thence with said line to the beginning, shall constitute an election precinct, and the election in said precinct shall be held at the house of James Mullican.

Election to be held at Ja's. Mullican's.

Constable to be appointed in said precinct

Sec. 3. *Be it further enacted*, That it shall be the duty of the county court of Fleming, at or before the next May term of said court, to appoint a constable within the last described precinct, who shall be governed by the same laws as govern other constables within this commonwealth.

Courts to appoint judges &c. for precincts.

Sec. 4. *Be it further enacted*, That the county courts of the counties aforesaid at the terms at which they appoint judges, and a clerk to attend the elections at the several court houses in said counties, shall also appoint judges and a clerk to attend the respective elections in said precincts, who shall execute the duties assigned them under the existing laws regulating elections; and the sheriff's of said counties shall by themselves or deputies attend the elections to be held in said precincts.

Sheriff of Lincoln, to compare polls

Sec. 5. *Be it further enacted*, That the sheriff of Lincoln county, or his deputy shall on the first Monday after the commencement of the election, the time now appointed by law for comparing the polls for the counties of Lincoln and Rockcastle, meet at the court house in Lincoln county, and compare the polls: *Provided*, that the voters within the bounds of said precinct, may either vote at the said precinct, or at the court house in Lincoln county.

Sheriff of Fleming, to attend precinct and compare polls.

Sec. 6. *Be it further enacted*, That the sheriffs who may attend the elections in the aforesaid precinct in the county of Fleming, shall attend and compare the polls on the same day as the sheriffs attending the Triplett precinct in said county are required to do.



**Sec. 7.** *Be it further enacted,* That the election for the precinct in Henderson county, shall hereafter be held at the house of Isham Sellers, in said precinct, instead of the place now designated by law.

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CHAP. CCCLVIII.

*An ACT for the benefit of Cyrus Edwards and wife.*

Approved, November 7, 1822.

WHEREAS it is represented to the General Assembly that Nancy Edwards, wife of Cyrus Edwards is an infant under the age of twenty one years, and there has descended to her from her father, John Read, now deceased, a small piece of land, which lies in the county of Washington, adjoining the town of Springfield, and is part of the tract on which said Read resided, which has on it considerable valuable improvements of a perishable nature, which said piece of land has been allotted to her by commissioners appointed by the Washington circuit court, and that it would redound much to the advantage of said Edwards and wife to sell said land, Wherefore,

Recital

**Sec. 1.** *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That said Nancy Edwards wife of said Cyrus Edwards, be and she is hereby made able and competent in law, to convey said described piece of land under the same rules and regulations that feme coverts of full age can now convey, who are the holders of the fee simple title to lands under the laws now in force.

Mrs. Edwards declared competent to make a conveyance of a tract of land in conjunction with her husband.

**Sec. 2.** *Be it further enacted,* That any deed which shall be made by said Edwards and his wife for the land aforesaid, under the provisions of this act, shall be as good and valid in law to pass the title to the grantee or grantees in said deed, as if the said Nancy had attained the full age of twenty one years.

Conveyance when made, declared valid.

CHAP. CCCLIX.

*An ACT for the benefit of Joseph Delaney of Lincoln county and Merritt Singleton of Rockcastle county.*

Approved, November 7, 1822.

Recital.

WHEREAS, it is represented to the General Assembly, that in July in the year one thousand eight hundred and two, there was granted by the county court of Lincoln county to George Patteson by county court certificate, four hundred acres of vacant and unappropriated land in Lincoln county, and said certificate has been assigned from said Patteson, and has passed by assignment through several hands, and lastly assigned to Joseph Delaney of Lincoln county, and that said Patteson or some of the assignees caused a survey to be made and registered, and that said land or the greater part thereof, is poor and of very little value, and that said Delaney has a large family and is in moderate circumstances, Therefore,

The register to issue a patent to Delany, for 400 acres of land, upon the payment of the price of \$45.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That upon the said Joseph Delaney obtaining the auditors quietus for the sum of forty five dollars, being paid into the treasury, within thirty days after the passage of this act, and producing the same to the register of the land office, the register is authorised and directed to issue a patent to said Delaney as in other cases, without any more state price being paid on the same.

Further recital

And whereas it is further represented that in April one thousand eight hundred and five, there was granted by the county court of Madison county to William M'Collum by county certificate, for two hundred acres of waste and unappropriated land in Madison county, now Rockcastle county, and that said M'Collum, or some of the assignees caused a survey to be made thereon, and registered, and that said certificate has been assigned from said M'Collum and passed through several hands by assignment, and lastly assigned to Merritt Singleton of Rockcastle county, and that the greater part of said

land is mountainous, very broken and of no value, and that the said Singleton has a large family and is in moderate circumstances, Therefore,

Sec. 2. *Be it further enacted*, That upon the said Singleton obtaining the auditors quietus for the sum of twenty two dollars and fifty cents being paid into the treasury, within thirty days after the passage of this act, and producing the same to the register of the land office, the register is authorised to issue a patent to said Singleton, as in other cases, without any more state price being paid on the same, any law to the contrary notwithstanding.

A grant to issue to Singleton for 200 acres upon his paying into the treasury \$22 50 cents.

## CHAP. CCCLX.

*An ACT for the relief of William Scott and Sally M<sup>c</sup> Galin.*

Approved, November 7, 1822.

WHEREAS it is represented to the General Assembly, that William Scott, of Wayne county is poor, old and nearly blind, and has a family of small children dependant on him for support—which he is unable to afford them in his present poor and distressed situation, and it is deemed expedient and advisable to place him in a situation to support himself and family, by availing himself of the services of a rising family, in the cultivation of the soil, and thereby prevent himself and family from becoming a public charge: Wherefore,

Preamble:

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the register of the Land Office, be and he is hereby directed on the application of said Scott, to issue to him a land warrant for one hundred acres of land, without the state price being paid for the same, which may be located on any waste and unappropriated land in the county of Wayne; which shall in all respects be governed by the laws now in force for the appropriation of the vacant lands of this commonwealth;

Register to issue to Scott, a land warrant without the state price being paid.

"It is further represented that Sally M'Galin, is left poor and helpless with four small children, and that her husband has forsaken her four years, and has not since been heard of by her; therefore,

A land warrant to be issued to Sally M'Galin, without the state price being paid therefor.

Soc. 2. *Be it further enacted*, That it shall be the duty of the register of the Land Office, to issue a land warrant in favour of said Sally M'Galin, for one hundred acres of land without the state price being paid thereon, which warrant the said Sally, may locate and survey on any unappropriated land in Casey county, and a patent shall issue thereon as in other cases."

## CHAP. CCCLXI.

*An ACT for the relief of the widow and heirs of William Craig, deceased.*

Approved, November 7, 1822.

Preamble.

WHEREAS it is represented to the General Assembly of the Commonwealth of Kentucky, that William Craig, died possessed of a small lot of ground in the town of Stanford, with a horse-mill erected thereon, which mill and buildings have become unprofitable, owing to the dilapidated condition in which it is reduced, and the personal estate of the decedant being insufficient to discharge the debts of said estate, for remedy whereof,

Commissioner appointed.

Soc. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That Alexander Mills, administrator of the estate of the said decedant be and he is hereby appointed, a commissioner to sell the said lot and mill, in such time and on such terms as he may deem most to the interest of the heirs and justice to the creditors of said decedant.

Bond and security.

Soc. 2. *Be it further enacted*, That the said commissioner before he shall proceed to sell the lot or mill, or either of them, or any part thereof, shall enter into bond with sufficient security in the county court of Lincoln, in such pen-

alty as the court may direct that he will faithfully pay the proceeds of such sale to the bona fide creditors of the estate, and the overplus, if any, to the heirs and representatives of the said decedant.

## CHAP. CCCLXII.

*An ACT to establish election precincts in the counties of Floyd, Washington, Adair, Greenup, Hardin and Casey.*

Approved, November 7, 1822.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That all that part of Floyd county, included in the following bounds, to-wit; Beginning at the forks of Beaver creek, at general A. Lackey's; thence running a line so as to include all the inhabitants on the left hand fork of Beaver creek, and its waters to the head, thence running a straight line to the Perry line at the head of the right hand fork of Beaver; thence running with the Perry county line to the head of Jones' fork, thence running a line so as to include all the inhabitants on the said right hand fork, and its waters to the beginning, shall be and the same is hereby formed into an election precinct in said county of Floyd, which shall be called and known by the name of the Beaver creek precinct; and that the qualified voters in said precinct shall meet at the house of the widow Martin, in said precinct for the purpose of voting at all elections.

Election precinct in Floyd county

The place of holding elections

Sec. 2. *Be it further enacted,* There shall be an additional election precinct established in the county of Washington, and bounded as follows to-wit: Beginning where Mays creek crosses the old Frankfort road, thence up the creek to the head thereof, thence to—— M'llvoy's, taking him in the precinct, thence a straight course to where the Danville road strikes the Mercer county line, thence with the Mercer county line to the old Frankfort road;

Election precinct in Washington county

Place of holding elections

thence with the road to the beginning. The votes to be taken in the town of Maxwell, at the house of Stephen Crims.

Election precinct in Adair county

Sec. 3. *Be it further enacted*, There shall be established in the county of Adair, a precinct to be included in the following boundary ; Beginning on the Cumberland county line, where the road leading from Columbia to Burksville strikes the same, from thence with the road to James Breaden's, on a direction towards Columbia, thence a direct line to the head of Adams' creek, thence with a direct line to the Green county line, thence with the Green county line to the Barren county line, thence with the same to the Cumberland line, thence to the beginning. The place designated for taking in the votes at captain John Beil's, on the east fork of Little Barren.

Place of holding elections

Duty of the county courts and sheriffs in relation to said precincts

Sec. 4. *Be it further enacted*, That the county courts of the counties of Floyd, Washington and Adair, shall when appointing judges and clerks, to conduct the elections in their respective counties, appoint judges and clerks to superintend the elections held at each of the precincts in their respective counties established by this act, and it shall be the duty of the sheriff's respectively of each, by themselves or deputies to attend the precincts in their counties, and be governed by the several laws now in force relative to elections.

Persons residing in precincts may vote at their court houses.

Sec. 5. *Be it further enacted*, That nothing in this act shall be construed to prevent the persons residing in the bounds of either of the precincts from voting at the court house of their counties, or at any of the other precincts.

Election precinct in Greenup county.

Sec. 6. *Be it further enacted*, That all that part of Greenup county included in the following bounds to-wit: Beginning on Tygerts creek at the mouth of White Oak, thence up White Oak creek, to the Lewis county line, thence with the Lewis county line to the Fleming county line, thence with the Fleming county line to the line of Lawrence, thence with the Lawrence county line to Tygerts creek, and down the same to the place of the beginning

shall constitute one election precinct in the said county of Greenup, and shall be called and known by the name of the state road precinct, and the qualified voters in said precinct shall meet at the house now occupied by James Chenoeth at the turnpike gate, for the purpose of voting at all elections.

Place of holding elections.

Sec. 7. *Be it further enacted*, That all that part of Hardin county included in the following boundary to-wit: Beginning at the mouth of Knob creek, thence with the Rolling fork to the mouth of Clear creek, thence three and a half miles up said creek to the widow Riley's, thence a straight line to Nathan Tuckers, on Younger's creek, thence to include Coonrad Waters, on the north fork of Nolin, thence a straight line so as to include Job Dyer, on the head of Nolin, thence with the line of the eastern precinct, to the beginning, shall constitute an election precinct in said county of Hardin, and shall be called and known by the name of the north eastern precinct, and the qualified voters in said precinct shall meet at the house of Sharp Spencer, for the purpose of voting at all elections.

Election precinct in Hardin county.

Place of holding elections.

Sec. 8. *Be it further enacted*, That all that part of Casey county, included within the following boundaries, to-wit: Beginning at John Powell's, on the Lincoln county line, thence with said line until it strikes the Mercer line, thence with the Mercer line, until it strikes the Washington line, thence with the Washington line, so far as to include all the waters of the Rolling fork of Saltriver, thence to the beginning, shall constitute an election precinct in the said county of Casey, and shall be called and known by the name of the Rolling fork precinct, and the qualified voters in said precinct, shall meet at the house of Matthias Speed, Junr. for the purpose of voting at all elections.

Election precinct in Casey county.

Place of holding elections.

Sec. 9. *Be it further enacted*, That all that part of Adair county, included within the following boundaries, to-wit: Beginning on the Cumberland river at the mouth of Wolf creek, thence up Wolf creek to the mouth of the Caney

Election precinct in Adair county.

fork, thence with the Caney fork to Huland's salt-works, thence with the road leading from Huland's salt works to Danville, to the place where the road from Danville to Campbell's ferry, crosses the same, thence with the road leading to Campbell's ferry, to Shadrick Phelps', thence a direct line to Aaron William's, on Rannell's creek, thence a direct line to James Turner's, on Crocus, thence south forty-five degrees east, to the line of Cumberland county, thence with the said line to the county line of Wayne, and with that line to the beginning, shall constitute an election precinct in the said county of Adair, and the qualified voters in said precinct, which shall be called and known by the name of the Greasy creek precinct, shall meet at the house of Job Kernes, on Greasy creek, for the purpose of voting at all elections.

Place of holding elections.

Sec. 10. *Be it further enacted*, That all that part of the county of Adair, lying north of Green river shall form an election precinct, and the elections shall be held at the house of captain Robert Caskey on Caseys creek.

Election precinct in Adair county.

Sec. 11. *Be it further enacted*, That the county courts of the said counties of Greenup, Hardin, Adair and Casey, shall perform the same duties in relation to the said last mentioned election precincts, as are provided in and by the fifth section of this act, in relation to the election precincts mentioned in the first, second and third sections; and the sheriff, of each county, shall in like manner by himself or deputy attend the elections to be held in each precinct.

Duty of the county courts, &c.

Sheriffs.

Sec. 12. *Be it further enacted*, That nothing in this act contained shall be so construed as to prevent the qualified voters in each of the aforesaid precincts, from voting at their respective court-houses, or at any other precinct in their respective counties, nor to prevent the qualified voters in the respective counties, residing without the bounds of the respective precincts aforesaid, from voting at either of the aforesaid precincts, within their respective counties.

Voters in said precinct may vote at their court houses.



**Sec. 13.** *Be it further enacted,* That the county courts of the respective counties in this state in which election precincts are, or shall hereafter be established, shall allow to the judges, clerk and sheriff, attending the elections at such precincts, a reasonable compensation for attending such elections not exceeding one dollar per day.

Allowance to sheriffs, clerks and judges of elections in election precincts.

## CHAP. CCCLXIII.

*An ACT for the benefit of Thomas Gatton and others.*

Approved, November 12, 1822.

**WHEREAS** it has been represented to the present General Assembly, that Thomas Gatton, Thomas Payne and Carlton R. Gatton are the proprietors of a tract of land in Allen county, on Trammels fork of Drakes creek, and that they are boring for salt water on said land, and that they are desirous of appropriating more land adjacent to said tract of land owned by them, for the purpose more effectually to enable them to manufacture salt, Wherefore,

Recital.

**Sec. 1.** *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the said Gattons and Payne may, on or before the first day of May next, cause to be surveyed by the surveyer of Allen county, in one or more surveys, any quantity of vacant and unappropriated land not exceeding fifteen hundred acres within three miles of said well, and in as large surveys as the adjoining lands will permit, and that they do on or before the first day of May one thousand eight hundred and twenty three, return to the registers office a plat and certificate of survey, and by paying into the treasury of this commonwealth within two years from the first day of January next, ten dollars for each hundred acres of said survey and producing the auditors quietus to the register therefor, he shall issue a grant for said land as in other cases. *Provided,* that no survey shall be made

May locate lands.

On what terms.

so as to interfere with any actual and *bona fide* settler at the passage of this act, one hundred acres around his, her or their improvements, leaving such improvement as near the centre as practicable, nor with any lands heretofore appropriated in any way whatsoever.

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CHAP. CCCLXIV.

*An ACT for the benefit of Nathan Hawkins.*

Approved, November 12, 1822.

Recital.

WHEREAS it is represented to the present General Assembly, that Nathan Hawkins of Christian county, is old, extremely poor, a cripple and has a family to support, and is unable to pay the ballance of the state price on two hundred acres of poor land, which is surveyed and registered and one instalment paid thereon, and the legislature feeling willing to alleviate the wants of the poor, Therefore,

State price  
on a tract of  
land remitted.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the ballance of the state price on 200 acres of land, on certificate No. 2169, granted by the county court of Christian county, be and the same is hereby remitted to the said Nathan Hawkins; and the register of the land office be and he is hereby required to issue to him a grant therefor, agreeable to the plat and certificate of survey now in the registers office.

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CHAP. CCCLXV.

*An ACT to amend the several acts passed for the benefit of the heirs of Joseph Dupey.*

Approved, November 12, 1822.

Recital

WHEREAS by "an act for the relief of the heirs of Joseph Dupey," approved February the tenth, one thousand eight hundred and sixteen, sundry commissioners were appointed with certain powers therein specified, and by "an act for

the benefit of the heirs and representatives of David Johnson, Joseph Dupey and Robert Parker and for the benefit of William Breckenridge," approved February the third one thousand eight hundred and seventeen, the act first mentioned was amended, and whereas, the commissioners aforesaid from various causes, have failed to act under the laws aforesaid to the extent required by the interest of the heirs of said Dupey.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky, That* Edward Branham, Edward C. Drane and Bartholomew Dupey, be and they are hereby appointed commissioners, in addition to those before mentioned, who shall previous to their acting under the provisions of the several acts aforesaid, enter into bond to the said heirs of Joseph Dupey, with approved security in the county court of Henry, in the penalty of ten thousand dollars, conditioned for the faithful performance of the trust committed to them, and shall then have the same power and be entitled to the same compensation as the commissioners first appointed.

Additional commissioners appointed.

Their duties and powers.

## CHAP. CCCLXVI.

*An ACT for the benefit of Thomas Conaway.*

Approved, November 12, 1822.

WHEREAS it is represented to the present General Assembly of the Commonwealth of Kentucky, that Thomas Conaway of Allen county, is living on a tract of land of one hundred acres, surveyed upon a Barren county court certificate No. 815, granted to John Smith in the year 1805, and that he is not able to pay the state price, as he is old, unable to labour and almost destitute of any property whatever, Therefore,

Recital.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky, That* upon the said Conaway filing with the register a plat and certificate of survey for one hundred acres,

Price of a tract of land remitted.

the register shall issue a patent for the aforesaid tract of land without the state price being paid therefor.

## CHAP. CCCLXVII.

*An ACT to attach the county of Owen to the fourth, and the county of Muhlenburg to the sixth bank district of the bank of the Commonwealth of Kentucky.*

Approved, November 14, 1822.

**Sec. 1.** *Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the county of Owen shall hereafter be attached to and compose a part of the fourth bank district of the bank of the Commonwealth of Kentucky, it being that district in which the principal bank is located.*

County of Owen, added to the 4th bank district.

The cashier of the branch bank at Falmouth, to certify to principal bank, the debts &c. due said bank by the people of Owen county.

Notes to be renewed in the principal bank.

**Sec. 2.** It shall be the duty of the cashier of the branch bank at Falmouth to certify to the president and directors of the principal bank, the amount and number of each note under discount for citizens of Owen county in said branch, the names of all the drawers, and the dates on which they may respectively fall due, previous to the time which this act shall take effect, and thereafter all said notes may be renewed and discounted in the principal bank, in the same manner as if the original loan had been made there, and the same lien shall attach in favour of the principle bank upon any real estate which may have been mortgaged to the said branch, as if such mortgage had been given to the principal bank, and the like proceedings had an case of default, and the said branch bank at Falmouth shall cease to renew or discount notes hereafter for citizens in Owen county.

The cashier at Falmouth to credit the parties by the notes though renewed in the principal bank.

**Sec. 3.** The cashier of the said branch bank at Falmouth, shall upon the production of checks from the cashier of the principal bank for the amounts of notes discounted in said branch, and which may have been renewed in the principal bank under this act, cancel such notes by car-

rying to the credit of notes discounted, the amounts thereof, and charging the same in an account current to the principal bank.

Sec. 4. *Be it further enacted*, That the county of Muhlenburg shall hereafter be attached to and compose part of the sixth bank district of the bank of the Commonwealth of Kentucky.

Muhlenburg county added to the 6th bank district.

Sec. 5. It shall be the duty of the cashier of the branch bank at Princeton, to certify to the president and directors of the branch bank at Hartford, the amount and number of each note under discount for the citizens of Muhlenburg county, in said branch bank at Princeton, the dates on which they may respectively fall due, and the names of all the drawers, previous to the time when this act shall take effect; and thereafter all said notes may be renewed and discounted in the branch bank at Hartford, in the same manner as if the original loan or loans had been made there, and the same lien shall attach in favor of the branch bank at Hartford, upon any real estate which may have been mortgaged to the branch bank at Princeton, as if such mortgage had been given to the branch bank at Hartford, and the like proceedings had in case of default, and the branch bank at Princeton shall hereafter cease to renew or discount notes for citizens in Muhlenburg county.

Duty of the cashier of the branch bank at Princeton.

Notes to be renewed at the branch bank at Hartford.

Sec. 6. The cashier of the branch bank at Princeton, shall upon the production of checks from the cashier of the branch bank at Hartford, for the amount of notes discounted in the branch bank at Princeton, and which may have been renewed in the branch bank at Hartford under this act, cancel such notes by carrying to the credit of notes discounted, the amounts thereof, and charging the same in an account current to the branch bank at Hartford.

Parties to be credited at the branch bank at Princeton, by the notes to be renewed.

Sec. 7. *Be it further enacted*, That the branch bank in the said sixth district shall hereafter be entitled to, and have one additional director.

An additional director allowed to the bank at Hartford.

This act shall take effect from and after the first day of January next, and so much of all laws as contravene the provisions of this act are hereby repealed.

Commencing clause.

CHAP. CCCLXVIII.

*An ACT for the benefit of Benjamin Lawless.*

Approved, November 14, 1822.

Recital

WHEREAS it is represented that Benjamin Lawless, of Warren county, stands indicted in the circuit court of that county, for the alledged forgery of a writing which purports to have been executed to him by a certain Archibald Rowland, who now resides in the state of Missouri, and that the said Lawless, can by the testimony of the said Rowland, establish satisfactorily his innocence, but that under the existing law he cannot be availed of his evidence—wherefore ;

The deposition of a witness residing out of the state authorized to be taken and read on his trial in the Warren Circuit Court.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the circuit court of Warren county may, and it is hereby authorised and empowered to award to the said Lawless a dedimus to take the deposition of the said Rowland, to be read as evidence upon the trial of the said indictment, upon the application and affidavit of the said Lawless, stating that the testimony of the said Rowland is essential to the manifestation of his innocence of the charge exhibited against him in the indictment aforesaid—The said dedimus is to be directed to any two justices of the state of Missouri, and reasonable notice of the time and place of taking the said deposition is to be given or served on the attorney who prosecutes for the commonwealth in that circuit.

CHAP. CCCLXIX

*An ACT for the relief of the Representatives of David Johnson, dec'd.*

Approved, November 14, 1822.

Recital.

Whereas a law passed on the eleventh day of January, one thousand eight hundred and sixteen, entitled “an act for the relief of the representatives of David Johnson, dec'd. “authorising the executrix and executor of the said

Johnson, to sell a tract of land on Cabin creek, in Lewis county; and whereas by a law passed on the third of February one thousand eight hundred and seventeen, the authority given by the first mentioned law was through mistake repealed: and whereas the said executrix and executor, under the authority first given as aforesaid, without knowing the repeal, has sold and disposed of the land therein referred to, and are now desirous of complying with the terms of said sale: Therefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the provisions of the said act of the eleventh of January, one thousand eight hundred and sixteen, be and the same are hereby revived, so as to legalize and make valid the sale of the said tract of land on the waters of Cabin creek, on which the said Johnson died, and to empower the said executrix and executors, or any two of them, to make any conveyance or conveyances which they might have done under said law, and in every way to complete the sale, as if said law had never been repealed.

The sale of a tract of land made by the executors under the act of 1816, legalized.

## CHAP. CCCLXX.

*An ACT to authorise the Trustees of the town of Harrodsburg to cause pavements to be made in said town.*

Approved, November 14, 1822.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That it shall and may be lawful for the trustees of the town of Harrodsburg, by their order or ordinance, to direct the paving of such parts of the streets in said town, as they may judge expedient, by the owners of the lots fronting said streets.

Trustees of Harrodsburg to direct the paving of the streets.

Sec. 2. The said trustees shall have full power and authority in their order or ordinance aforesaid, to prescribe the width and of what materials the said pavements shall be constructed.

And the width of the pavement.

When any owner of a lot shall fail for six months, trustees may have same paved & collect money from owner.

**Sec. 3.** *Be it further enacted by the authority aforesaid,* That whenever any owner or owners of any lot or part of a lot in said town, shall fail or refuse for the space of six months, after notice of such order or ordinance requiring him or them to make such pavement or pavements to comply with the same, it shall and may be lawful for the trustees aforesaid, to cause to be made and constructed any such pavement or pavements, and to levy, assess and collect from the owner or owners respectively, such sum or sums of money as may have been expended by such trustees in the making the said pavements. *Provided, however,* That no such order or ordinance shall be made unless two thirds of the whole board of trustees shall concur.

Provided.

## CHAP. CCCLXXI.

*An ACT for the benefit of Benoni S. Newland, and James Lyon, and Thomas Rowe.*

Approved, November 14, 1822.

Recital:

**WHEREAS** it is represented to this General Assembly, that Daniel Kelly, a citizen of this state, together with two slaves, the property of Thomas Hornsby, stole from the county of Shelby in this state, three horses; that the said Kelly and slaves were taken and committed to jail in Madisonville, Indiana; and the governor of Kentucky being informed thereof, made a request of the governor of Indiana, to deliver the said Kelly and two slaves to Benoni S. Newland, who was appointed agent on behalf of Kentucky, to receive and deliver the said Kelly and slaves to the jailor of Shelby county; which agency the said Newland executed with promptness and fidelity: wherefore,

Allowance made to B. S. Newland.

**Sec. 1.** *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the said Benoni S. Newland be allowed the sum of one hundred and ten dollars to be paid out of the public treasury, to defray the expenses of,



and as a compensation to him for the execution of said agency : and the auditor of public accounts is hereby directed to issue his warrant on the treasury in favor of the said Benoni S. Newland for the same.

And whereas it is further represented to the General Assembly, that James Lyon a tavern keeper on the road from Richmond to Cumberland mountain, had in his possession a grey horse the property of James Lawson, to the value of forty dollars ; and that some time in May last said horse was stolen and carried away out of the possession of said Lyon, by a certain William Marshall, and ——— Patterson ; and that said Lyon pursued them to Lexington and Boone county, and had them both apprehended and conveyed to Clay county jail ; and at the last circuit court for Clay county, they were both found guilty and sentenced to the jail and penitentiary, for the term of four years each ; and that said Lyon lost something like twenty or twenty-five days in pursuing and apprehending and bringing to justice said criminals ; and the horse stolen was entirely lost to said Lyon : Therefore,

Further recit

Sec. 2. *Be it further enacted*, That the auditor of public accounts is authorised and directed to issue a warrant on the treasury in favor of said Lyon, for the sum of eighty dollars for his trouble and expense in apprehending and bringing to justice said criminals.

Allowance made to James Lyon.

“ And whereas it is further represented, that Peter Henderson was confined in the jail of Adair county upon a charge of horse stealing, and that he escaped from jail ; that Thomas Rowe, jailor of said county pursued him into the state of Tennessee, a distance of about 90 miles, and did apprehend the said Henderson, and again confine him in said jail of Adair, and that the said Rowe was engaged in said business eight or ten days and bore the expense of said journey, and furnished guard and bore their expenses, and expended in Tennessee in and about obtaining the felon, eighteen

Further recita

dollars, and there being no law to compensate him; therefore,

Allowance  
made to Tho.  
Rowe.

Sec. 3. *Be it further enacted*, That the auditor of public accounts be and he is hereby authorised and directed to issue a warrant on the treasury, in favor of said Rowe, for the sum of sixty dollars, which sum the treasurer shall pay out of any money in the treasury not otherwise appropriated.

## CHAP. CCCLXXII.

*An ACT to incorporate the Springfield Circulating Library Company.*

Approved, November 14, 1822.

Recital.

WHEREAS it is represented to the present general assembly of the commonwealth of Kentucky, that a number of individuals of the town of Springfield, have associated themselves together for the purpose of establishing a library, and have procured a pecuniary fund for that purpose, and are desirous of being incorporated as a society to be known and called the Springfield Circulating Library company—The object of the society being to extend the march of science and the promotion of literature; objects which should always be encouraged by philanthropists and supported by republics.—This legislature pleased with the prospects of disseminating useful knowledge, believing it to be one of the strongest securities for the perpetuation of our happy government, feel free to extend every facility to any portion of its citizens that may be engaged in so laudable an undertaking, Wherefore,

Corporation.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That John Calhoun, Martin Hardin, Paul J. Booker, Ralph Lancaster, George Roberts and Martin W. Ewing and their successors and other members who have subscribed, or may hereafter subscribe, be and they are hereby constituted a body corporate and politic, both in law and in

fact, under the name and style of the Springfield Circulating Library company, with power to purchase, receive by grant or otherwise, and hold books, maps, charts, and other apparatus appertaining to literature ; and grant, sell and dispose of the same at pleasure for the use and benefit of the company ; and by their corporate name, sue and be sued, implead and be impleaded in any court of law and equity in this commonwealth.

Name & style.

Power to purchase and hold books, &c.

Sec. 2. *Be it further enacted,* That said corporation shall have full power to make any bye laws which they may deem expedient for the government of said company, not repugnant to the laws of this state, and shall be capable to make, have and use a common seal, which they may break, alter or amend at pleasure.

Power to make bye laws.

And to have a seal.

Sec. 3. *Be it further enacted,* The officers of the corporation shall be a president six directors, secretary, treasurer, and librarian, to be elected annually by the stockholders of said company, provided a majority of shareholders either personally or by proxy, shall be necessary to elect said officers, and that each stockholder shall be entitled to one vote for each share he owns.

Officers of corporation.

Majority of shareholders necessary to elect officers.

Sec. 4. *Be it further enacted,* That the president and directors shall have power to fix the price of shares, to direct how they may be transferred, and they shall judge the persons proper to be admitted as members ; procure by purchase, rent or otherwise, a suitable building for keeping the library ; to fill up vacancies that may happen between the annual meetings of the society ; to levy and collect fines and forfeitures, and to transact all matters appertaining to said corporation agreeable to the rules and bye laws thereof ; Provided not less than a majority of the directors with the president shall be a quorum to do business.

President and directors to fix price of shares and direct how they may be transferred.

To procure buildings, &c. Fill vacancies.

Levy and collect fines, &c.

Proviso.

Sec. 5. *Be it further enacted,* That the president and directors shall cause the secretary, treasurer and librarian to keep in suitable books, just and proper entries of all the proceedings and accounts of the company, and have the same

President and directors to cause clerk to keep record of proceedings.

And have the same before the company at each annual meeting.

before the company at each annual meeting, and shall deliver the books together with the property of the company, which may be in their hands, in good order to their successors in office.

First election for officers to be held in town of Springfield.

Sec. 6. *Be it further enacted*, That the first election for officers shall be held in the court house in the town of Springfield, on the first Monday in January next, and on the same day in every year, thereafter: Provided that the president and directors shall hold their office until superceded by an election for other officers at their annual meeting.

Proviso.

Shareholders at liberty to transfer or relinquish their shares.

Sec. 7. *Be it further enacted*, That each shareholder shall be at liberty at all times, to transfer or relinquish his share or shares, and that he shall forever thereafter, be released from all further contribution on account thereof.

## CHAP. CCCLXXIII.

*An ACT for the benefit of the heirs of James Kirkham.*

Approved, November 14, 1822.

Ballance of state price on 133 1-3 acres remitted.

*BE it enacted by the General Assembly of the Commonwealth of Kentucky*, That the ballance of the state price due on a tract of land, containing 133 1-3 acres lying in Warren county, granted by a county court certificate to James Kirkham, which has descended to the heirs of said Kirkham, and for which they are unable to pay, be and the same is hereby remitted: and the register of the Land-office is hereby directed and required, upon the production of a platt and certificate of survey of said land to him, to issue to the heirs of said James Kirkham, a grant for the same as in others cases: Provided however, that the widow of the said Kirkham, shall be entitled to her dower in said land.

Register to issue a grant to said heirs.

CHAP. CCCLXXIV.

*An ACT for the benefit of the widow and heirs of Archibald Mitchell.*

Approved, November 14, 1822.

*BE it enacted by the General Assembly of the Commonwealth of Kentucky,* That the balance of the state price due on 200 acres of land, lying on Sinking creek, in the county of Warren, granted by commissioners certificate, and now the property of the widow and heirs of Archibald Mitchell, dec'd. (who are represented to be unable to pay said balance,) be and the same is hereby remitted; and the register of the Land-office, is hereby directed to issue to the heirs of the said Archibald Mitchell, a grant for said 200 acres, upon their producing to him a platt and certificate of survey, as in other cases: Provided however, that the widow of the said Archibald Mitchell, shall be entitled to her dower in said land.

State price on 200 acres of land remitted.

Grant to issue for the same.

CHAP. CCCLXXV.

*An ACT for the benefit of George Adams.*

Approved, November 14, 1822.

**WHEREAS,** it is represented to the present General Assembly, that George Adams, was for many years employed as attorney at law for the penitentiary, and by mistake has paid to the agent thereof, more money than said institution was entitled to receive from him; which fact has been ascertained by a competent jury, legally empannelled, and it being just that the amount so overpaid, should be refunded: Therefore,

Recital

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the auditor of public accounts be and he is hereby directed to issue his warrant on the treasury, in favour of George Adams for the sum of two hundred and eighty-nine dollars, in full for the balance overpaid by him to the agent of the Penitentiary.

Appropriation of a sum of money to him.

ry, and that it shall be the duty of the treasurer, to pay the same out of any money in the treasury not otherwise appropriated.

## CHAP. CCCLXXVI.

*An ACT regulating the County Court of Fayette.*

Approved, November 14, 1822.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky, That from and after the passage of this act, the county court of Fayette, shall set on the second Monday in each and every month, in each and every year, any law to the contrary notwithstanding.*

County court  
to be held in  
each month.

## CHAP. CCCLXXVII.

*An ACT for the relief of certain clerks in this Commonwealth.*

Approved, November 15, 1822.

Preamble.

WHEREAS, it is represented to the present General Assembly, that several of the clerks of the circuit and county courts of this state, have failed through accident to file their bonds of office, in the clerks office of the court of Appeals, within the time prescribed by law: Therefore.

Six months allowed them to execute & file their official bonds.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky, That each clerk who has so failed to file his bond, shall have the time of six months within which to do so, and each bond filed in the clerks office of the court of Appeals, within six months from the passage of this act, shall to all intents and purposes, be considered as filed within the time prescribed by law.*

Where the original bond of a clerk has been lost an official copy may be filed with

Sec. 2. *Be it further enacted, That when the bond of any clerk in this commonwealth has been lost, before the filing of the same in the clerks office of the court of Appeals, a true copy thereof, certified by said clerk may be received*

by the clerk of the Court of Appeals and filed by him in his office, and said copy shall be considered and holden as valid, and the same dignity shall be given to it as might or could be given to the original.

the clerk of the Court of Appeals, in place of the original & have the same force and effect.

Sec. 3. *Be it further enacted*, That each and every clerk who complies with the provisions of this act, shall be exempted from all fines, penalties and forfeitures to which by the laws of this state he might be otherwise liable.

Fines and forfeitures remitted.

## CHAP. CCCLXXVIII.

### *An ACT for the benefit of Angus Ross.*

Approved, November 15, 1822.

**WHEREAS** it is represented to the present General Assembly, that salt water can be procured on the land of Angus Ross, in Whitley county, and that the said Ross is desirous to make an experiment by digging, provided he can have secured to him a sufficient resource for fuel in the event of success, Therefore,

Recital.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That said Angus Ross shall have for the term of two years from the passage of this act, the exclusive right of entering, surveying and appropriating any quantity of the vacant and unappropriated land of this commonwealth, within three miles of the place where he proposes to dig for salt water as aforesaid, not exceeding two thousand acres, which land may be entered and surveyed in one or more surveys, so that no survey be of less than five hundred acres, and the said Ross on returning the plats and certificates of the surveys made as aforesaid, to the Registers office, paying into the public treasury, ten cents per acre for said land, and filing with the register the auditors quietus therefor, within the two years aforesaid, shall be entitled to receive grants for the said land to be issued as in other cases.

Authorised to appropriate 2000 acres vacant land in Whitley county for salt-works within 2 years

Surveys no to be for a less quantity than 500 acres.

Grants to issue therefor upon a return of the plats &c. and paying the state price for the land.

Sec. 2. *Be it further enacted*, That no entry or survey shall be made upon any of said land

Said land not subject to be

appropriated  
by land war-  
rants within  
the two years  
allowed.

Proviso.

so reserved, by virtue of any land office war-  
rant, or in any other manner than agreeable to  
the provisions of this act, within the period of  
two years from and after the passage: *Provi-*  
*ded however*, that nothing in this act shall be so  
construed as to authorise the said Angus Ross,  
to appropriate the improvement of any actual  
settler, and one hundred acres of land adjoining  
to and including the same in the centre, but the  
same are excepted out of the privileges granted  
him by the provisions of this act.

## CHAP. CCCLXXIX.

*An ACT authorising a Lottery for the benefit of  
the Lexington Light Artillery Company.*

Approved, November 15, 1822.

Recital.

WHEREAS, it is represented to the pres-  
ent General Assembly, that by the purchase of  
arms and military equipments, the Lexington  
Light Artillery Company, is involved in debt ;  
and that the payment out of the property of the  
company, would cause a dissolution of the same :  
Therefore,

Managers ap-  
pointed to  
raise \$700 for  
the use of the  
company by  
lottery.

Sec. 1. *Be it enacted by the General Assembly  
of the Commonwealth of Kentucky*, That it shall  
and may be lawful, for John M. M'Calla, Les-  
lie Combs and James M. Pike, to raise by way  
of lottery, any sum not exceeding seven hun-  
dred dollars, after deducting the necessary ex-  
penses of managing and drawing one or more  
classes, as to them may seem expedient.

Managers to  
give bond and  
security.

Sec. 2. *Be it further enacted*, That said M'-  
Calla, Combs and Pike, or such two of them as  
may choose to act, shall give bond in the penal-  
ty of twenty thousand dollars, with approved  
security, in the Fayette county court, condition-  
ed for the payment of each and every prize in  
said lottery, according to the terms of any  
scheme or schemes which they may make and  
publish : which bond may from time to time be  
put in suit by the holder of any prize ticket  
which may remain unpaid.

Condition  
thereof.



**Sec. 3. *Be it further enacted,*** That each and every drawing of said lottery, shall be had in the presence of two of the trustees of the town of Lexington, and two justices of the peace of Fayette county, and each and every clerk and agent engaged in drawing said lottery, shall take an oath to act faithfully and impartially in the discharge of the duties of his appointment.

Manner of conducting the drawing of the lottery.

**Sec. 4. *Be it further enacted,*** That the said managers shall pay over to such person, as the said company shall by vote appoint treasurer, the nett proceeds of any class or classes in said lottery, within sixty days after the drawing shall be completed, and shall be bound to exhibit before commissioners, a true state of the situation of the said lottery, which the county court of Fayette are hereby authorised to appoint, upon the motion of the commandant of said company.

Managers to pay over the money to the treasurer of the company. And to exhibit a statement of the drawing before commissioners to be appointed by the Fayette county court

## CHAP. CCCLXXX.

*An ACT establishing the Sulphur Fork of Drake's Creek as the division line between the counties of Simpson and Allen.*

Approved, November 15, 1822.

**Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,*** That all that part of Simpson county, lying east of the Sulphur Fork of Drake's creek, be and the same is hereby added to the county of Allen.

Bounds of the addition to Allen county

**Sec. 2. *Be it further enacted,*** That, it shall be lawful for the Sheriff of Simpson county to make distress for any taxes, levies, or other public dues, officer's fees or executions, on judgments in the Simpson court, in civil cases, and which are unpaid by the inhabitants within the aforesaid bounds, at the time this change takes place, and he shall be accountable in like manner, as if this act had not passed.

Sheriff of Simpson to make collection of debts, fees &c. within the bounds aforesaid.

CHAP. CCCLXXXI.

*An ACT to amend an act entitled an act, to establish the town of Hartford, in the county of Ohio.*

Approved, November 15, 1822.

Preamble.

WHEREAS the citizens of Hartford failed to elect trustees for said town, agreeably to the provisions of the act to which this is an amendment: and the former trustees having gone out of office at the end of the term for which they were elected; therefore,

Citizens to elect trustees for said town in December.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That it shall be the duty of all the free white male inhabitants in the town of Hartford, above the age of twenty-one years, and the owners of lots or parcels of ground within the limits of said town of full age, to meet at the court house in said town on the second Monday in December next, and elect seven fit persons being citizens and inhabitants thereof, as trustees for the town of Hartford, who shall continue in office until the first Monday in September next.

Clerk of county court to give notice of election and to conduct the same.

Sec. 2. It shall be the duty of the clerk of the county court for said county to advertise said election at the court house door, two weeks previous to the election, and it shall be his duty to conduct the said election, and notify the seven having the highest number of votes thereof, and also return to them at their first meeting a true statement of the polls of said election, which shall be recorded in a book to be kept for that purpose—and all future returns shall be recorded in like manner. The clerk for the duties required of him by this act, shall be allowed a reasonable compensation by the trustees not exceeding two dollars per day.

Polls to be recorded.

Allowance.

Sec. 3. That the qualified voters as aforesaid shall meet on the first Monday in September annually, and elect seven fit persons as aforesaid, as trustees for said town, who shall continue in office until the first Monday in September then next ensuing, and until their successors are duly elected and qualified.

Annual election in September.

Sec. 4. It shall be the duty of the board of trustees for the time being to cause said election to be advertised at the court house door, two weeks previous to the election, and appoint one of their own body to conduct the same, who shall notify the seven having the highest number of votes, and return a statement of the polls in like manner as required of the clerk of the county court by the second section of this act, and shall receive a compensation, allowed by the board of trustees for his services, not exceeding two dollars per day.

Trustees to cause election to be made public

Statement of polls to be returned and recorded.

Sec. 5. The trustees so elected, shall annually at their first meeting or so soon thereafter as is practicable, settle the accounts of their predecessors and receive all monies and accounts that may be in their hands, which settlement they shall record in their minute book and return a copy thereof to the next county court for Ohio county.

Trustees to settle the accounts of their predecessors and record same annually

Sec. 6. The said trustees before they enter upon the duties of their office, shall take an oath before some justice of the peace, to faithfully and impartially discharge the several duties enjoined upon them by law.

Trustees to take oath

Sec. 7. The trustees for the time being shall have power to fill all vacancies whether by death, resignation, refusal to act or otherwise: A majority of the whole number concurring in such election.

Trustees to fill vacancies in the board

Sec. 8. The said trustees shall have power to appoint a clerk, whose duty it shall be to take care of all the papers and records of said trustees, and make correct entries of all orders: and shall give security for the faithful discharge of his several duties. They shall annually appoint a treasurer of their own body, who shall enter into bond with security approved of by the board, in such penalty as they may deem advisable, conditioned for the faithful discharge of his duties.

Power to appoint a clerk  
His duty

Treasurer to be appointed.

Sec. 9. The board of trustees shall have power to levy annually, a tax on all lots and houses or other ground within the limits of said town, negroes, horses, retail-stores, groceries, plea-

Trustees to lay tax.

May appoint some one to value taxable property. sure carriages and waggons, not exceeding ten cents on each hundred dollars of such valuation. And the said trustees, may annually in the month of March appoint a fit person to assess the value of all the property made taxable by this act.

Duty of person so appointed. Sec. 10. The commissioner or assessor appointed as aforesaid, shall make out and return to said trustees, a list of the names of all the white male inhabitants of said town above the age of twenty-one years, and the valuation of their property, together with the names and valuation of property held by those not residing in town, if their names can be ascertained : but if he cannot ascertain to whom any lot or other property belongs, then he shall return the amount of such property designating particularly the kind.

Commissioner to take oath Sec. 11. The said commissioner shall before he enters upon the duties of his office, take an oath, that he will to the best of his skill and ability discharge the duties enjoined on him by this act, without favour or partiality : the said commissioner shall call on all the persons, if to be found, who own property in said town and take a written list of all the property which he, she, or they held on the first day of March, then next preceding, subject to taxation by this act ; he shall then value said property and return the same to the said trustees within thirty days from and after the time of his appointment ; and any person or persons who refuse to

Take in lists of property & return same to the trustees give in a list of his or her property, when called on by said commissioner, shall pay to said trustees for the use of said town the sum of twenty dollars, to be collected in the same manner as the tax of said town is hereinafter directed to be collected. If any person or persons shall think themselves aggrieved by such valuation, he, she, or they, may appeal to the said trustees at their next monthly meeting. The said commissioner shall be allowed a compensation for his services at the discretion of the trustees, not exceeding two dollars per day.

Sec. 12. It shall be the duty of the said trus-

tees so soon as the commissioner makes his return, to ascertain as near as practicable the amount necessary to be raised, which shall be levied agreeably to the valuation of the property held by each person subject to taxation.

Trustees to ascertain amount necessary to be raised and have the same levied according to the valuation of the property. Collector to be appointed

Sec. 13. The trustees after levying the tax annually, shall appoint a collector and take bond and security of him, payable to themselves and their successors, in double the amount to be collected, and shall deliver to him a list containing the names of the persons charged with tax, the valuation of their property, and the tax assessed thereon. The collector shall collect and pay over to the treasurer the amount so levied, within three months from the time he receives such list, after deducting ten per cent for collecting the same, and such as are insolvent, or have no personal property from which he can make the amount of such tax : and if the said collector shall fail to pay over as aforesaid the amount to be collected by him, it shall be lawful for the trustees to recover judgment against him and his securities for the amount he may so fail to pay over, by giving ten days notice before any circuit court within this commonwealth : and the clerk shall endorse on the execution, that no security of any kind is to be taken.

His duty.

Allowance.

Trustees may recover against collector for failing to pay over the taxes collected by him

Sec. 14. It shall be the duty of the collector on receiving the list, to advertise at the court house door that the town tax is due, and after thirty days from the date of such advertisement, he may distrain for the tax on any personal estate owned by any person or persons listing property for taxation, and may sell the same or so much thereof, as will pay the tax then due, by advertising the same at least ten days : and collectors shall be allowed the same for keeping live stock, so executed, as sheriffs are in similar cases.

Collector to advertise when tax is due.

May distrain for taxes.

Allowances for keeping live stock.

Sec. 15. And when taxes are due on any lot or lots, or parcel of ground, the owner of which cannot be ascertained, or found, so that the tax can be collected, it shall be the duty of the Treasurer under an order of the board of trus-

When tax is due on lot the owner of which is unknown treasurer to advertise.

If tax be not  
paid, asurer  
to sell as  
much as will  
pay tax  
Subject to be  
redeemed

tees to advertise such lot or lots with the amount of tax due thereon for two months successively, in some authorized newspaper published in this state, and if the tax and costs shall not be paid on or before the day named in such advertisement, it shall be the duty of the treasurer to sell at public sale, so much of each lot or parcel of ground as will pay the tax and costs thereon, subject to be redeemed within two years, by paying to the treasurer the amount of such tax and costs, and twenty-five per centum per annum for the use of the purchaser.

Trustees may  
levy poll tax

Sec. 16. And said trustees may levy any sum not exceeding one dollar annually, in addition to the tax herein stated on each and every person entitled to vote for trustees.

Trustees to ap-  
point overseer  
of streets &c

Sec. 17. The trustees shall have power to appoint an overseer of the streets of said town for the purpose of keeping the same in repair : and call out to work on said streets all the free white male inhabitants above the age of eighteen years, and male slaves above the age of sixteen years.

Repealing  
clause

Sec. 18. That all laws that come within the purview of this act, be and they are hereby repealed.

## CHAP. CCCLXXXII.

*An ACT for the benefit of Samuel Cheatham, an infant devisee of Daniel Wilson, deceased, and the heirs of Samuel Work.*

Approved, November 15, 1822.

Preamble.

WHEREAS it is represented to the General Assembly of this Commonwealth by Edward Cheatham, the father and guardian of Samuel Cheatham, that Daniel Wilson, by his last will and testament devised to the said Samuel Cheatham, a tract of land containing

acres, in Henderson county, purchased by him of Elias Moore, and six slaves ; and the estate of the said Daniel Wilson, is so

involved as to render it necessary to sell the land aforesaid and to save the said slaves to the devisee: Therefore,

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall be competent to the circuit court of Henderson county, and it is hereby authorised and empowered upon the petition of the guardian of the said Samuel Cheatham, filed in the said court to that effect, and upon the production by said guardian of such proof by affidavit or otherwise, as will satisfy said court that it would be most advantageous to the said Samuel Cheatham; that the land aforesaid, rather than the slaves aforesaid, should be sold for the purposes recited in the preamble to this act, to decree the sale of the said land for that purpose, at such length of credit, under such conditions and restraints as in its sound discretion may seem requisite to protect the substantial interests of his said ward.

Henderson circuit court authorised to decree the sale and conveyance of a tract of land devised to Cheatham.

Sec. 2. *Be it further enacted*, That it shall be competent for the circuit court of Warren county, and it is hereby authorised and empowered upon the petition of the executrix and guardians of the infant heirs of Samuel Work, filed in the said court, to decree the sale of four hundred or five hundred acres of land, that the said Samuel Work, died possessed of, lying on the waters of Lewis and Muddy creek, being a part of a survey of 12,363 acres patented in the name of John Adair, or so much thereof as will satisfy an execution on judgement obtained in the Warren circuit court, upon an injunction bond against Ann Work, administratrix of the estate of the said Samuel Work deceased, under such regulations and restrictions, as in their wisdom and sound discretion may think fit to protect the best interest of the infant heirs of the aforesaid Samuel Work, deceased.

Warren circuit court authorised to decree the sale and conveyance of a tract of land belonging to Work's heirs, for the payment of his debts.

CHAP. CCCLXXXIII.

*An ACT to alter the mode of appointing trustees to the Montgomery Academy.*

Approved, November, 15, 1822.

**Sec. 1.** *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the qualified electors of the county of Montgomery, are hereby authorized, and it shall be their duty to choose five fit persons as trustees for the Montgomery Academy, who when elected, shall be vested with all the rights and powers of the trustees now in office, and to continue the same until their successors are elected; the election to commence on the first Monday in January 1823, and to be held annually, forever thereafter, to be conducted by such officers as are now authorized by law to conduct the election of said county in the general elections.

Electors of Montgomery county to elect 5 trustees to Academy in January annually.

Sheriff to return certificate of election to clerk of county court

Allowance to judges and sheriff.

**Sec. 2.** *Be it further enacted,* That it shall be the duty of the sheriff, to return a certified copy of those who shall be elected by a majority of voters to the clerk of the county court of said county, who shall record the same in his office, and the judges and sheriff for conducting said elections, shall be allowed the same fees as are now allowed by law per day in case of a general election.

CHAP. CCCLXXXIV.

*An ACT for the benefit of the children of Samuel Marrs.*

Approved, November 15, 1822.

**Sec. 1.** *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That it shall and may be lawful for the county court of Mercer, to appoint a guardian for the children of Samuel Marrs, and that the said guardian be vested with all the power belonging to guardians of children of deceased parents.

County court of Mercer to appoint a guardian.

Guardian to provide for

**Sec. 2.** *Be it further enacted,* That the said guardian shall with the rents and profits arise



ing from a small tract of land willed to said children, provide for their support and education under the care and superintendence of their mother Jane Marrs.

support of the children out of rents &c of the estate

## CHAP. CCCLXXXV.

### *An ACT providing for the removal of the Seat of Justice for Campbell county*

Approved, November 15, 1822.

**Sec. 1.** *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That Cave Johnson, Abner Gaines, Willis Graves of the county of Boone, James King and Stephen Mullens of the county of Pendleton, be and they are hereby appointed commissioners, who, or a majority of them, are to meet at Newport, in the county of Campbell, on the second Monday in February next, or so soon thereafter as may be practicable, and from thence proceed to explore said county, and fix on the most eligible situation as near the centre of said county as may be practicable, for the permanent seat of justice thereof, having due regard to the convenience of the inhabitants of the county, and the proposition made for the sale of the land on which it may be located, and the said commissioners having fixed on a place for the permanent seat of justice for the said county; shall certify the same under their hands, to the county court of said county, who at their first session, after the report of said commissioners shall have been lodged with their clerk, shall proceed to appoint five trustees, whose duty it shall be to lay off a town at the place fixed on by the commissioners for the seat of justice for said county, and having set apart such portion of ground as they may think necessary for the erection of public buildings for said county, shall lay off the residue of the land appropriated for the purpose of a town, into convenient lots, streets and alleys, and shall proceed to sell the said lots at public auction for the best

Commissioners appointed to fix on site for the seat of justice.

Certify their proceeding to county court who shall appoint 5 trustees to lay off town.

Trustees to lay off town into lots and sell same at auction.

price that can be had for them, on such terms of payment, and in such proportions, as they may deem most advantageous to the county and the person or persons interested in said sales, giving public notice of the time and terms of such sale or sales, and causing the same to be made at the place fixed by the commissioners aforesaid.

Commissioners to take an oath

Sec. 2. The said commissioners shall, before they enter upon the duties delegated to them by this act, take an oath before some justice of the peace in said county, to act impartially and justly to the best of their judgment in the discharge of their said duties : And the said commissioners shall, before they fix on a place for the permanent seat of justice for the said county, obtain from the owner or owners of the land on which they propose to fix the said seat of justice, his or their assent thereto, and a formal declaration thereof in writing, containing the terms of his agreement with the commissioners, together with an obligation in writing to the justices of the county court of said county, that the said owner or owners will upon the appointment of trustees by the said court, under the provisions of this act, convey to the said trustees and their successors in office, the legal title to at least fifty acres of land surrounding or adjoining the place so fixed on by the commissioners, to be by them, the said trustees, laid off into a town and sold as directed by this act.

Duty in relation to owner of land on which seat of justice may be fixed

Persons wishing to contribute to the erection of public buildings may do so

Sec. 3. Any person or persons who may be desirous of contributing to the erection of the public buildings of said county, or to induce the erection thereof, on or adjacent to their lands, may at any time before the decision of the commissioners aforesaid, make proposals in writing, specifying particularly therein, what quantity of land or sum of money he, she or they will give to the county court of the said county, for the purpose of aiding in the erection of the public buildings, and on what terms, which proposal shall be addressed to the said commissioners, and lodged with the clerk of the county court of said county, to be by him delivered to the

Terms

said commissioners, and by them examined, and then returned to said clerk, which proposals, when the terms thereof shall have been acceded to, shall be binding and obligatory on the person or persons making the same, and may if not complied with, be sued on by the justices of the said county court, and the amount or value thereof recovered by action in the circuit court of the said county, or if the sum does not exceed fifty dollars, to be recovered before a justice of the peace.

Terms binding and may be sued on by justices of the county courts

Sec. 4. If any part of the land proposed to be laid off into town lots, under the provisions of this act, other than the part appropriated for the public buildings, shall by the owner or owners thereof have been offered and accepted by way of donation, or otherwise, to the county for the purpose of aiding in the erection of the public buildings, or by way of inducement to the establishment of the seat of justice at a particular place, the proceeds of the sale of that proportion of the lots so offered and accepted, shall be appropriated by the justices of the county court, to the erection of the public buildings, and for that purpose shall be subject to their order and disposition, and the residue of the proceeds of said sales shall be paid to the proprietor or proprietors of the land on which the town shall be established.

Proceeds of sale of lots given by donation to be appropriated to the erection of public buildings

Sec. 5. Upon the establishment of the permanent seat of justice in and for the said county, the county court thereof shall meet and hold their county court, next succeeding the court before whom the report of the commissioners has been laid, at the place fixed on by the commissioners; and the circuit and county courts shall at all times thereafter, meet and hold their respective courts at the aforesaid place, or so near thereto as a convenient house can be procured, until the public buildings are completed. And it shall be the duty of the county court to proceed forthwith to erect there, all the public buildings required by law.

When the seat of justice is established, courts shall sit there, and county court to proceed to erect buildings

Sec. 6. The place fixed on by the commissioners aforesaid shall from and after the certi-

Place fixed on by commis.

Commissioners to be permanent seat of justice

ficate thereof shall have been filed with the county court, be and remain the permanent seat of justice of said county.

Allowance to commissioners

Sec. 7. It shall be the duty of the said county court to allow to the commissioners, three dollars per day each, for their services, and to pay the same together with all other expences necessary for effecting the objects of this act, out of the county levy, or out of any depositum that may be in the hands of the sheriff.

County courts to fill vacancies in trustees

Sec. 8. The county court shall have full power, from time to time, to fill vacancies that may happen in the board of trustees—That the trustees

Trustees to make oath

before they enter upon the duties assigned them by this act, shall take an oath before some justice of the peace of said county, well and truly to discharge the duties of trustees as long, as they continue in office, to the best of their knowledge and ability :

Convey lots to purchaser

and it shall be the duty of the trustees to convey to the purchasers, the lots sold, so soon as the consideration shall be paid, and from time to time to pay over to the county court, or to their order, all sums of money they may collect or receive, and any donations made to said county, and also for all lots and sale of land donated to said county, and at all times to settle and account to said court, or their commissioners appointed for that purpose, and if required, to file with the clerk of said county, all notes or bonds they may have taken for the sale of said lots, and other bonds that may be given for the payment of money or property as donations to the said county,

Pay to the county court the money arising from donations

File with the clerk of county court all notes & taken for sale of lots &c

## CHAP. CCCLXXXVI.

*A ACT providing for a change of venue in the case of Josiah Hults.*

Approved, November 15, 1822.

Recital.

WHEREAS, it is represented to the present General Assembly, that Josiah Hults stands indicted in the Breckenridge circuit court, for wilfully and maliciously shooting, with intent

to kill, a certain George  
ing to existing prejudices  
against said Hults, it is ap-  
and impartial trial by a  
cannot be had, Therefore

Sec. 1. *Be it enacted* *Assembly*  
*of the Commonwealth of* *that at the*  
next circuit court held *County of Brecken-*  
enridge, the said Josiah Hults may elect to be  
tried by the circuit court of Grayson county,  
and he is hereby authorised to make such elec-  
tion, which election shall be entered on record  
by the court.

At next  
Breckenridge  
circuit court  
he may elect  
to be tried in  
the Grayson  
circuit court.

Sec. 2. *Be it further enacted*, That if the  
said Hults shall elect as aforesaid, to be tried  
by the Grayson circuit court, he may enter in-  
to a recognisance with such security and in such  
sum as the court may deem reasonable, condi-  
tioned, that he will appear on the first day of  
the succeeding term of the Grayson circuit  
court, in open court, and there remain and  
abide until discharged by due course of law,  
and the court shall also recognise the wit-  
nesses on behalf of the commonwealth, to appear  
on the first day of the next Grayson circuit  
court, at the court house in Litchfield, under  
the same rules and regulations as if it were to  
appear in the Breckenridge circuit court, and  
that for a breach of any recognisance authoris-  
ed by this act, the party shall incur the same  
penalty, and the same proceeding shall be had  
thereon, as if they had been taken to appear in  
the Breckenridge circuit court.

His duty in  
case he elects  
to be tried.

Court to re-  
cognise wit-  
nesses to ap-  
pear at Gray-  
son circuit  
court.

Sec. 3. *Be it further enacted*, That as soon  
as practicable after the election made as afore-  
said, shall be made, the clerk of the Brecken-  
ridge circuit court shall make out certified cop-  
ies of the orders of his court made in said pros-  
ecution, and shall deliver them, together with  
the indictment and all other necessary papers  
filed therein, to the sheriff of his county, and  
take his receipt therefor, and thereupon the  
said sheriff shall, with all convenient despatch,  
deliver them to the clerk of the Grayson cir-  
cuit court, and take his receipt therefor, and

Clerk to trans-  
mitt papers  
&c.

Clerk of Grayson authorized to issue process.

he is the same person Grayson circuit court shall be, authorized, to issue *venire facias*, and any other necessary process in the same manner, in relation thereto, as if said process had commenced in the court for the said county of Grayson.

If no recognisance is given sheriff to send prisoner to jail of Grayson

Sec. 4. *Be it further enacted*, That if upon the order for a change of venue being made, agreeably to the provisions of this act, the said Josiah Hults shall not enter into a recognisance for his appearance in the Grayson circuit court as is before provided, it shall be the duty of the sheriff for the county of Breckenridge, as soon as practicable, to convey the said Josiah Hults to the jail for the county of Grayson, there to be kept until his trial shall come on, by due course of law: and the sheriff and guards necessarily employed in the conveyance shall receive the same allowances, payable in the same manner that is now provided for the conveyance of prisoners to the penitentiary.

Sheriff's allowance.

Grayson circuit court vested with authority to try him, &c.

Proviso.

Sec. 5. *Be it further enacted*, That the said Grayson circuit court is hereby vested with full and complete power, and authority, to try the said cause, and to pronounce judgment therein in the same manner as if the act for which he is indicted, had been done and committed in the county of Grayson—and it is further *Provided*, That the said Josiah Hults shall not be discharged from jail, or exonerated from giving bail, at the first or second terms of the said Grayson circuit court, after the venue shall have been changed as aforesaid, if through casualty, or the non-attendance of important witnesses a trial cannot sooner be had.

CHAP. CCCLXXXVII.

*An ACT for the benefit of Aaron Johnson of the state of Ohio.*

Approved, November 16, 1822.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That Aaron Johnson of the state of Ohio, be allowed the sum of three hundred dollars for apprehending Jacob Funk, a fugitive from the justice of this state, and delivering him to the jailor of Fleming county ; the said sum to be paid out of any money in the Treasury not otherwise appropriated. Allowed \$300.

CHAP. CCCLXXXVIII.

*An ACT for the benefit of William Brand.*

Approved, November 16, 1822.

WHEREAS, it is represented to the General Assembly of the Commonwealth of Kentucky, that William Brand became the assignee, and is now the *bona fide* occupant of two head-right certificates, each for two hundred acres of land, granted by the commissioners : and whereas the Register of the Land Office mistook the true numbers, in giving his receipt for the plats and certificates of survey, which mistake caused the said Brand to pay the first instalment on each of his claims, upon the wrong numbers; viz: on numbers four thousand one hundred and sixty-two, and four thousand one hundred and fifty-eight, agreeably to the receipt aforesaid, instead of numbers four thousand and one hundred and sixty-one, and four thousand and one hundred and fifty-nine, the proper numbers of his certificates :

*Be it therefore enacted by the General Assembly of the Commonwealth of Kentucky,* That upon the Auditor's receipt being produced for the payment aforesaid, he the said auditor, shall be hereby required to transfer the amount of the said instalments (it being eighteen dollars

Recital

The auditor directed to transfer certain payments for land made by him to the credit of his claims to

certain other lands fourteen cents) to the credit of the certificates numbered four thousand one hundred and sixty one, and four thousand one hundred and fifty-nine; and the claims of the said Brand shall be reinstated in the same situation, in which they would have been placed, had the said payments been regularly applied to them in the first instance.

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CHAP. CCCLXXXIX.

*An ACT further to indulge the settlers on the lands acquired by the treaty of Tellico.*

Approved, November 16, 1822.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the act entitled an act further to indulge the settlers on the lands acquired by the Treaty of Tellico, approved November the fifth, one thousand eight hundred and twenty one, be and the same is continued in force until the sixteenth day of January, one thousand eight hundred and twenty-four.

One years further indulgence granted

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CHAP. CCCXC.

*An ACT to protect the owners of removed certificates.*

Approved, November 16, 1822.

WHEREAS, it is represented to the present General Assembly, that many owners of removed certificates, through misconception of the law in relation thereto, made entries on said certificates in different surveyors' offices, instead of making them in the county courts, and have executed surveys on such entries, which entries and surveys have been deemed invalid, and much injury is likely to result to meritorious claimants, For remedy whereof,

Preamble

*Be it enacted by the General Assembly of the Commonwealth of Kentucky, That every entry*



heretofore made on a removed county court certificate in any surveyor's office of this state, and every survey founded thereon, whether patented or not, shall be taken, deemed and holden as valid and effectual in law, as if said entry had been made in the county court which granted the removal thereof; and every survey which may hereafter be made on a Kentucky land office warrant or other claim, so as to interfere with a survey so made as aforesaid on a removed certificate, shall so far as it does interfere, be null and void.

Entries and surveys heretofore made on removed certificates made in surveyors offices valid

Surveys made on Ky. land office warrant or other claim interfering there-with void

*Provided*, That nothing in this act shall be so construed as to affect or impair the rights of those who have heretofore made surveys on Kentucky land office warrants or other claims, so as to interfere with surveys made on removed certificates: And *Provided also*, That no person who is the holder or owner of a removed certificate, shall be permitted to abandon the same so as to appropriate the land obtained thereby, under and by virtue of a Kentucky land office warrant or other claim, at a less price than that fixed by law on such removed certificate; and if any person or persons shall do so, his, her or their claim so derived, shall be null and void.

Not construed to impair rights under land office warrants or other claims interfering

No holder of removed certificate permitted to abandon land so as to appropriate it with a Ky land office warrant.

## CHAP. CCCXCI.

### *An ACT for the relief of Roger Divine.*

Approved, November 16, 1822.

**WHEREAS**, Maurice Brosnan, an alien, died possessed of part of lot number forty-four, in the town of Frankfort, with improvements thereon; and whereas the said Brosnan, at the time of his death, was indebted to the citizens of this commonwealth, to an amount exceeding the value of this, and all his other property, and Roger Divine having been appointed administrator of his estate, has sold said property for the payment of said debts: Wherefore,

Recital

*Be it enacted by the General Assembly of the*

Common-  
wealths right  
of escheat to  
certain proper-  
ty relinquished  
and the sale  
thereof confir-  
med

*Commonwealth of Kentucky.* That all right and title which may have accrued to this common-wealth, to the part of lot number forty-four, and the improvements thereon, possessed by the said Maurice Brosnan, at the time of his death, by escheat, be, and the same is hereby forever relinquished; and the sale made by the said Divine is hereby declared to be as good and valid in law, as if the said Brosnan had been a citizen of the United States.

## CHAP. CCCXCII.

*An ACT to legalize the marriage between Joshua Whitehead and Betsey Brock of Harlan county.*

Approved, November 16, 1822.

**WHEREAS**, it is represented to the General Assembly, that the rites of matrimony were some time since solemnized between Joshua Whitehead and Betsey Brock of the county of Harlan, by a justice of the peace of said county, without any license for that purpose having been obtained from the county court of said county; and whereas the said Joshua Whitehead and Betsey Brock are living together as man and wife, and are desirous that their said marriage should be legalized and declared valid, For remedy whereof,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the rites of matrimony heretofore celebrated between the said Joshua Whitehead and Betsey Brock, be, and the same is hereby declared to be valid and legal to all intents and purposes, and any fine or penalty which may have been incurred by the person who celebrated the rites of matrimony between said Whitehead and wife, shall be, and the same is hereby remitted,

## CHAP. CCCXIII.

*An ACT to regulate the sale of land for Taxes.*

Approved, November 16, 1822.

*Sec. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That so much of any law as authorises the sale of the land of resident citizens for taxes, be, and the same is hereby repealed. All laws repealed

*Sec. 2. Whenever the owner of land shall fail to pay the tax due thereon, at the time and manner prescribed by law, fifty per cent shall be added to the amount of the tax due for the first year, and the tax due and unpaid during the second year, shall be doubled, and in case there is no other property out of which to make said tax, it shall be the duty of the sheriff to return to the auditor annually, as heretofore, a list of all tracts of land on which the tax may be due and unpaid, and when two years tax shall be thus due, it shall be the duty of the auditor to certify the same to the several sheriffs in whose county the land may lie, as heretofore, and the said sheriffs shall cause the same to be advertised as at present directed by law, and if the said tax is not paid with the interest and costs as above provided, it shall be the duty of the sheriff to publicly cry the same off to the commonwealth, and all the right, title and interest to such tracts of land shall thereby vest in the commonwealth: Nevertheless the same may be redeemed by the owner, or any one for him, paying into the treasury, the amount of taxes, interest and costs due on the same, with an interest on the amount, at the rate of one hundred per cent per annum, within two years after such sale. *Provided however,* That nothing herein contained shall authorise the sale of any lands belonging to infants, feme covert, or persons of unsound mind, but they and each of them shall have two years after their respective disabilities are removed, to pay all arrearages of taxes which may be due upon any lands belonging to them, without interest.*

Sheriff to return delinquents to auditor

Auditor to send them to sheriff

How sold

May be redeemed

Proviso

*Sec. 3. Be it further enacted, That it shall*

be the duty of the several sheriffs who may thus sell and strike off land to the commonwealth, to account to the auditor for all the taxes which they may receive previous to the day of sale, and return to the auditor immediately, a correct list and description of all such tracts of land as may be struck off to the state, who shall record the same in a separate book to be procured and kept for that purpose.

#### CHAP. CCCXCIV.

*An ACT for the benefit of Hannah Hardin and David Prewett Senr.*

Approved, November 16, 1822.

WHEREAS, it is represented to the General Assembly of Kentucky, that there was a mistake made in the second section of an act entitled "an act for the benefit of Samuel Simpson and others," approved December 5th 1821, authorising the register of the land office to issue to Susannah Hardin, for certain purposes, a land warrant for one hundred acres, and as there was a mistake made in her christian name, being Hannah Hardin instead of Susannah.

Sec. 1. *Therefore be it enacted by the General Assembly of the Commonwealth of Kentucky,* That so much of the second section of the before recited act, as authorises the Register to issue a warrant for one hundred acres of land to Susannah Hardin be and the same is hereby repealed, and that he is hereby authorised to issue the same to Hannah Hardin agreeable to the provisions of the before recited act.

Sec. 2. *Be it further enacted,* That the fourth section of the before recited act be amended, to read David Prewett Senr. instead of William Prewett.

CHAP. CCCXCV.

*An ACT for the benefit of the heirs of Richard M. and John S. Gano.*

Approved, November 16, 1822.

WHEREAS, it is represented to the General Assembly, that the estates of Richard M. Gano and John S. Gano deceased, by bonds, mortgages, &c. are bound for the payment of a sum not less than thirty six thousand dollars, which if coerced, will sacrifice the best prospects of the heirs and representatives of the said Gano's deceased, some of whom are infants and femes covert, that the said sum of money is due to the executors of Thomas Kennedy deceased, and by an arrangement made by the executors of the deceased parties, the landed estate that created the debt is to be taken back by the executors of Kennedy, upon condition that the heirs of the Gano's shall be enabled by act of the legislature to complete conveyances: For remedy whereof,

Recital

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the heirs and representatives of Richard M. Gano and John S. Gano deceased, be and they are hereby authorised by themselves and guardians to close the contract made by the said executors; and make and complete all conveyances that may be necessary to carry the same into full effect, and such conveyances fairly made, shall bind the heirs of said Gano's and convey the fee simple in the premises in the alienees as fully as if the said heirs were of full age or discoverd.

To close and confirm certain contracts

Sec. 2. *Be it further enacted,* That the executors, heirs and representatives of the said Gano's and the guardians of the infant heirs, shall and may proceed to close all concerns between said heirs, in relation to aforesaid contract, which when closed and settled shall be binding on the parties.

## CHAP. CCCXCVI.

*An ACT allowing additional constables and justices of the peace to certain counties, and to provide for the future regulation of constables districts.*

Approved, November 21, 1822.

Recital

WHEREAS, it is represented to the present General Assembly, that Henry H. Jones of the county of Shelby, has acted as a constable in said county for many years, that since the county has been laid off into precincts as directed by an act of assembly, approved the fourth day of February one thousand eight hundred and twenty, entitled "an act to amend the law concerning constables, the said Jones has removed out of Shelbyville, which forms precinct number eight, and resides adjoining said town and precinct, and that he is anxious to continue in office : Wherefore,

Constables precinct No. 8 in Shelby county extended to include Henry H Jones

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That precinct number eight, in the county of Shelby, be and it is hereby extended so as to include the present residence of said Jones, any law to the contrary notwithstanding.

The county courts of Washington, Bullitt and Casey authorized to appoint additional constables

Sec. 2. *Be it further enacted,* That the county courts of Washington, Bullitt and Casey, shall each appoint for their respective counties an additional constable. The constable appointed for the county of Washington, shall reside in the north end of said county, in the neighborhood of John S. Watts. The constable for the county of Bullitt shall reside in the neighborhood of William Hills in the sixth constable district. The one appointed for the county of Casey shall reside on the big south fork of the Rolling fork of Salt River.

An additional constables district formed in Nicholas county

Sec. 3. *Be it further enacted,* That all that part of the county of Nicholas included in the following boundary, beginning at the lower Blue lick on the south side of Licking river, including George M. Bedingers house, thence with the main Limestone road to the dividing ridge of the waters of Brushey fork and Stoney

creek, thence with said dividing ridge to include Robert Edwards to the state road leading from Paris to the mouth of Big Sandy, thence with said road to the mouth of Cassady's creek, then down Licking to the beginning, shall constitute an additional constable district, and the county court of Nicholas shall appoint a constable to reside in the bounds of said district.

The county court to appoint a constable therein

Sec. 4. That an additional constable shall be appointed in the county of Jefferson, whose residence shall be in the vicinity of Martin's cross roads and the residence of John Murphy, Esq.

An additional constable to be appointed in Jefferson

Sec. 5. There shall be an additional number of two constables added to the county of Harrison, one in the bounds of capt. Kendall's company of militia on the waters of Raven creek, and the other on the waters of Beaver creek in said county.

Two additional constables to be appointed in Harrison county

Sec. 6. There shall be one additional constable in the county of Lawrence who shall reside on Rockcastle creek in said county.

One in Lawrence county

Sec. 7. It shall and may be lawful for the county court of Mercer to lay off an additional constables district, to be composed of the town of Danville in said county, and to appoint an additional constable who shall reside in said town.

One in Mercer county to reside in Danville

Sec. 8. It shall and may be lawful for the county court of Christian to lay off an additional constables district to include the present bounds of capt. John Mitchum's militia company, and appoint a constable who shall reside therein.

One in Christian county

Sec. 9. It shall and may be lawful for the county court of Caldwell, to lay off an additional constables district to include the town of Eddyville, and to appoint a constable who shall reside in said town.

One in Caldwell to reside in Eddyville

Sec. 10. It shall and may be lawful for the county court of Hardin, to extend the Elizabethtown constables district so as to include the residence of William Farleigh—and the several constables to be appointed by this act, shall give bond and security and be governed by the same rules, regulations and penalties as other constables.

County court of Hardin to extend a constables district to include W. Farleigh  
Constables to give bond and governed by existing laws

Sec. 11. An additional justice of the peace

Additional justices allowed to Breckenridge and Campbell shall be allowed to the county of Breckenridge, who shall reside in the town of Hardinsburg; also two additional justices of the peace for the county of Campbell one to reside in the town of Alexandria and the other in the south west corner of said county.

The several counties may be hereafter laid off into 12 constables districts

Proviso

Sec. 12. From and after the first day of January next, it shall and may be lawful for the several county courts, to change, alter or modify any or all of the constables district in their said counties, and to increase the same to any number not exceeding twelve, and at all times thereafter, so to alter, modify and change said districts so that equal justice shall be done to each district—*Provided however*, that no new district shall be made or old district altered unless a majority of all the justices of the peace for the county shall be present.

Rockcastle allowed an additional constable

Sec. 13. It shall and may be lawful for the county court of Rockcastle to lay off an additional constables district to include the present bounds of capt. Layers company of militia, and appoint a constable who shall reside therein.

## CHAP. CCCXCVII.

*An ACT to repeal in part, an act authorizing Rudolph Neat to build a mill dam on Green River.*

Approved, November 21, 1822.

Recital

WHEREAS, by an act of the General Assembly of Kentucky, approved January 30, 1817, entitled an act authorising Rudolph Neat to build a mill-dam on Green River, said Neat was authorised to build a dam of the height of three feet above the bed of said stream, and as said Neat found it necessary to erect the said dam a few inches higher than by said act he was authorised to do, and as the said mill dam and mill are now the property of Robert Thomas of Adair county, who has petitioned the present General Assembly to permit the said mill dam to remain at the height it now is, Therefore,



Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That so much of said recited act as requires the said mill dam not to be built more than three feet in height, be and the same is hereby repealed. Enacting  
clause

Sec. 2. *Be it further enacted*, That it shall be lawful for the proprietor or proprietors of the said mill dam, to continue the same at the height it now is or at any other height not exceeding three feet six inches, under the same provisions in other respects as are contained in the said recited act approved January 30th 1817.

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### CHAP. CCCXCVIII.

*An ACT to authorise the insertion of advertisements in certain News-papers.*

Approved, November 21, 1822.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall be lawful to insert and publish in the Western Watchman, printed in Augusta, Bracken county, The Christian Repertory and Kentucky Literary Register, published in Springfield Washington county, and the Baptist Monitor and Political compiler, published in Bloomfield, Nelson county, Kentucky, any and all advertisements which are required and authorised to be published in any news-paper in the state of Kentucky, except such advertisements as are required by law to be published in the paper of the public printer only ; and the editors of said papers, shall be governed by the same rules, and entitled to the same fees as other printers in this commonwealth.

CHAP. CCCXCIX.

*An ACT to authorise a sale of part of the Harrodsburg Seminary lands.*

Approved, November 26, 1822.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall, and may be lawful for the trustees of the Harrodsburg Seminary, to sell any number not exceeding five hundred acres of the lands belonging to the said seminary—The said sale may be made by the said trustees at auction or otherwise, and upon such terms as they may deem most advantageous to said institution: The said trustees shall apply the whole of the proceeds of sale to the payment of their debts in the first place, and the balance (if any) in repairs to the house, or in the purchase of books or philosophical apparatus: Provided however, That no sale shall be made of any part of the lands belonging to said seminary, unless a majority of the whole number of trustees shall consent thereto, and enter the same of record in their books.*

CHAP. CCCC.

*An ACT further to regulate the debt due the Commonwealth for the sale of vacant lands.*

Approved, November 26, 1822.

The act of 1816 continued in force until Jan. 1824

*Sec. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the act entitled an act further to regulate the payment of the debt due the commonwealth, for the sale of vacant lands, approved the eleventh day of January, one thousand eight hundred and sixteen, shall be, and the same is hereby revived and continued in force, for and during the term of one year, from and after the fifteenth day of January next.*

Certificate lands may be redeemed by

*Sec. 2. Be it further enacted, That all certificate lands that have heretofore been stricken off to the commonwealth for failure of payment,*

the last owner, or proper claimant, shall have the claimant  
the right of redemption as though it had not or owner  
been stricken off to the commonwealth, without  
paying interest or damages.

## CHAP. CCCCI.

*An ACT for the relief of the Sheriff of Logan  
county.*

Approved, November 26, 1822.

WHEREAS, it is represented that Samuel Owings, sheriff of Logan county, stands charged by the auditor of public accounts, with the tax on a billiard table, and it appears that the said table was listed by Amos Edwards, who before the tax thereon could be collected, took down the table, became insolvent, and removed from the county, so that the said tax could by no diligence be collected by the said sheriff, and it is thought unjust to subject him to the payment thereof: Wherefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the auditor of public accounts be, and he is hereby authorised and empowered to allow the said sheriff a credit for the amount of the tax aforesaid. Recital  
To be credited the tax on billiard table

## CHAP. CCCCH.

*An ACT to amend an act authorising the location of certain Seminary lands, and for other purposes,*

Approved, November 26, 1822.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the fourth section of an act authorising the location of certain seminary lands, and for other purposes, approved, February fourth, one thousand eight hundred and twelve, be, and the same is hereby repealed. 4th section repealed

Sec. 2. *And be it further enacted,* That the

Size of survey county courts in this commonwealth may cause to be entered, surveyed and carried into grant, their seminary lands now allowed by law, in surveys to contain not a less quantity than fifty acres in each survey, unless the same shall be bounded all round by prior existing claims.

Part of former act repealed. Sec. 3. *Be it further enacted*, That so much of the acts approved the twenty-sixth day of January, one thousand eight hundred and fifteen, as requires the investment of the proceeds arising from the sale of seminary lands into bank stock, be, and the same is hereby repealed.

### CHAP. CCCCIII.

*An ACT for the benefit of the children of Henderson Linney.*

Approved, November 26, 1822.

Appointment of a guardian legalized Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the appointment of David Jones, Executor, as guardian to the children of Henderson Linney, be, and the same is hereby legalized; and the said guardian shall possess all the powers vested in guardians appointed to the children of decedents.

Authorised to carry a will in to effect Sec. 2. Said guardian shall also be vested with full power to carry into effect the will of William Linney deceased, the grandfather of said children, and with the hire of the slaves and interest of the money belonging to said children, to provide for their education and decent support, a regular account of which shall be returned to the county court of Mercer, as in the case of other guardians.

CHAP. CCCCIV.

*An ACT for the benefit of Burrell Temple and others.*

Approved, November 26, 1822.

WHEREAS, it is represented to the present General Assembly of the commonwealth of Kentucky, that Burrell Temple of Allen county is living on a small tract of very poor land, containing 90 acres, in said county, surveyed upon a Barren county court certificate, No. 513, granted to Samuel Young in September, 1802, upon which the first instalment has been paid, and that the said Temple is very poor and hath a large family of children, which renders him unable to pay the balance of the state price, Therefore,

Preamble.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the Register of the land office be, and he is hereby directed to issue a patent on said survey, without the balance of the state price being paid thereon.

Patent to Burrell Temple.

Whereas, it is represented to this present General Assembly, that Richard Dorin of Nelson county, is a very poor man, and almost entirely blind, and has a wife and a number of small infant children, and is destitute of the means of support:

Rich'd Dorin

Sec. 2. *Therefore, be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the Register of the land office, be, and he is hereby directed, upon application, to issue a land warrant for one hundred acres of land, to the said Richard Dorin, without the state price being paid for the same, which warrant may be surveyed upon any vacant land in this commonwealth, which is now by law subject to be located by Land Office Treasury warrants, and on the return of the platt and certificate of survey to the Register's office, a patent shall issue as in other cases.

100 acres.

And whereas, it is further represented, that Abner Russell of Casey county, is poor and in indigent circumstances, that he is aged and in-

Preamble.  
Abner Russell

firm, that during his service in the revolutionary war, he became disabled, and that some years ago he purchased a certain tract of land in the county of Casey, from a certain James Grimes of said county, containing one hundred acres, for which he paid the said Grimes the sum of one hundred dollars: That the said Grimes assured the said Russell that he had drawn a certificate for said land, that upon examination, it is found that the said Grimes never has procured or drawn a certificate for said land, and that the same is now vacant, and the said Russell has for a long time been residing on said land, and is unable to procure a title under the aforesaid purchase or otherwise secure the same: Therefore,

100 acres to  
Russell.

Sec. 3. *Be it further enacted*, That the Register of the Land Office be, and he is hereby authorised and directed to issue a land warrant in favor of the said Abner Russell, for one hundred acres of land without the state price being paid therefor; which warrant may be located on any waste and unappropriated land in Casey county, which is by law subject to appropriation under land office treasury warrants; and upon the receipt of the plat and certificate of survey to the registers office, a patent shall issue thereon as in other cases.

Whereas, it is represented that Thomas Baker, sen. of the county of Henderson, is a very poor man, having a wife and a large family of children, and no species of property; and is rendered unable to do more than procure a mere subsistence, as well from the disabilities of age, as from a wound he received from the enemy, in the war of the revolution.

100 acres to  
Thos. Baker.

Sec. 4. *Be it further enacted*, That the register of the land office be, and he is hereby directed, upon application therefor, to issue a land warrant for one hundred acres of land, to the said Thomas Baker sen. without the state price being paid for the same, which warrant may be surveyed upon any vacant land in this commonwealth, which is now by law subject to be located by land office treasury warrants, and on the

return of the plat and certificate of survey to the registers office, a patent shall issue as in other cases.

And whereas, it is represented that David Pruett located a fifty acre warrant, settled and improved the land, and not long since it has been taken by a prior and better claim, and turned out of possession, and that said Pruett has a large and helpless family, and is very poor : Therefore,

Preamble.  
David Pruett.

Sec. 5. *Be it further enacted*, That the register of the land office is authorised and directed to issue a land warrant in favor of said Pruett, for one hundred acres, without the state price being paid for the same, which warrant may be located and surveyed on any waste and unappropriated land in Rockcastle county.

100 acres D.  
Pruett.

Whereas, Thomas Conner of Casey county, a soldier of the revolution, has failed in his application for a pension, and is moreover very poor, old and entirely blind, Therefore,

Sec. 6. *Be it further enacted*; That the register of the land office be, and he is hereby authorised and directed to issue to the said Thomas Conner a land warrant for one hundred acres, without the state price being paid thereon, which may be surveyed upon any vacant and unappropriated land in this commonwealth; except the lands west of the Tennessee River; and upon the return of a plat and certificate of survey to the registers office, a patent shall issue as in other cases.

Thos. Connor  
100 acres.

Sec. 7. *Be it further enacted*, That the register of the land office be, and he is hereby authorised, upon the application of James Matthews of the county of Whitley, to issue to him a land warrant for fifty acres of land, without the state price being paid for the same, which warrant may be surveyed upon any vacant and unappropriated land in the said county of Whitley, which is now by law subject to location by land office warrants; and on the return of the plat and certificate of survey to the registers office, a patent shall issue thereon as in other cases.

Jas. Matthews  
fifty acres.

CHAP. CCCCIV.

*An ACT further to regulate the General Court.*

Approved, November 26, 1822.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That it shall be the duty of the judge of the twelfth judicial district to attend the general court at each term thereof, with such other judges as may be allotted to perform that duty.

Sec. 2. The said judge of the twelfth judicial district may reside at his present residence, any law to the contrary notwithstanding.

CHAP. CCCCVI.

*An ACT for the benefit of the heirs of Richard M. Gano.*

Authorised to  
convey a tract  
of land.

Approved, November 26, 1822.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That John C. Buckner and Mary E. his wife, late Mary E. Gano, Robert M. Ewing and Margaret H. his wife, late Margaret H. Gano, William Henry Jr. and Cornelia V. his wife, late Cornelia V. Gano, Daniel Henry for his daughter Eliza Henry, John A. Gano, by his guardian Elijah Craig, and Stephen F. Gano, by his guardian William Hubble, the heirs and representatives of Richard M. Gano, be and they are hereby authorised to convey to Benjamin Page, Benjamin Bakewell and Thomas Bakewell of Pittsburgh, trading under the firm of Bakewell, Page and Bakewell, and their heirs and representatives, one fourth of the lots in the town of Covington, it being the half of the undivided moiety of said town, to which their aforesaid ancestor was entitled ; the said conveyance to be made in fulfilment and execution and exact compliance with a contract, made and entered into by, and between the said Richard M. Gano their ancestor, in his lifetime, and the said Bakewell, Page and Bakewell.



**Sec. 2.** The aforesaid heirs and representatives of Richard M. Gano as aforesaid, are hereby authorised and empowered to sell and convey the interest, right and title to the residue of the lots in the town of Covington, of which their said ancestor died seized or possessed, for the purpose of settling and closing the concerns of said estate, and the conveyance made by said heirs and representatives of said Richard M. Gano, signed by them and their guardians and husbands, and authenticated according to the law regulating conveyances and prescribing the mode in which married women may relinquish their claims in land, shall vest in the purchaser or purchasers of such lots or any part of them, a complete title in fee simple. Further power

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**CHAP. CCCCVII.**

*An ACT authorising the trustees of the Franklin Seminary to sell and convey to Wiley Campbell 140 acres of land.*

Approved, November 26, 1822.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the trustees of the Kentucky Seminary, are hereby authorised and empowered to sell and convey to Wiley Campbell, one hundred and forty acres of land claimed by the trustees, as belonging to said institution, on which said Campbell now resides, any law to the contrary notwithstanding.*

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**CHAP. CCCCVIII.**

*An ACT confirming the sale of certain slaves late belonging to Lucy Keizers heirs.*

Approved, November 28, 1822.

**WHEREAS,** it is represented to the General Assembly that a division in kind of the slaves, late belonging to Lucy Keizers heirs, cannot be made equally, among Christopher Keizer,

Recital.

John Keizer, Lucy Keizer and Amanda Keizer, who are now entitled to the same, nor a sale effected according, in all particulars, to the provisions of an act of assembly, approved, December 19th 1821, entitled "an act authorising the sale of the real estate and slaves of certain persons," but that a division has been made by consent of all parties concerned, allotting the slaves, Suckey, Maria, Jacob, Ennice and Eleanor to said Christopher Keizer, who is over the age of twenty one years, and to said John Keizer, an infant acting by his guardian Christopher Keizer, specially appointed under said act; and allotting the slaves Aaron, Juno, Malinda and Mary to said Lucy Keizer and Amanda Keizer, infants acting by their guardian John M. McCalla, allowing also to the said Lucy and Amanda, (in order to equalise said division,) the sum of one hundred and twenty five dollars, to be paid them by said Christopher and John, as by their petition in this behalf we are informed—And whereas it is further represented to us, that the said Christopher Keizer, for himself and as special guardian to said John Keizer, acting under the authority of the before recited act of assembly, has sold the slaves so allotted to them, to-wit: Sucky, Maria, Jacob, Ennice and Eleanor, to Leslie Combs, and all of said heirs and the said Combs, desiring the division and sale so made, to be ratified by law.

Sale confirmed

*Be it therefore enacted by the General Assembly of the Commonwealth of Kentucky,* That the said division and sale be ratified and confirmed, and the title to the slaves, Sucky, Maria, Jacob, Ennice and Eleanor, be vested in the said Leslie Combs, and the title to the slaves Aaron, Juno, Malinda and Mary, be vested in the said Lucy Keizer and Amanda Keizer.

CHAP. CCCCIX.

*An ACT for the benefit of the children of John Courts, dec'd.*

Approved, November 28, 1822.

**WHEREAS**, it 'is represented that John Courts died seized of one hundred acres of land in Hart county, on which there was erected a powder mill, a grist mill and saw mill, which are falling rapidly into decay, and are wholly or nearly so, unproductive to his widow and children, who are unable to repair them and keep them in operation; That the said Courts was at the time of his death considerably in debt, greatly beyond the value of his personal property, which was small, and the aforesaid tract of land and mills, would if sold on a reasonable credit, command a sum equal to the payment of his debts and to the education and comfortable subsistence of his children, and leave a residuum, which if judiciously invested, would by the time his children should arrive at maturity amount to a reasonable provision for them: Wherefore,

Recital.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the circuit court of Hart county, may and it is hereby authorised and empowered in its chancery character, upon the petition of the children of the said John Courts, the infants by their mother as guardian for that purpose, filed in said court to that effect, decree and order the sale and conveyance of the aforesaid tract and mills, at such length of credit, and upon such conditions, and under such restraints, as will in the discretion of the said court, conduce most to the interest of the said children, and the creditors of the said decedant; and said court may moreover direct any balance of the proceeds of the sale of the said tract of land, after the payment of the debts aforesaid, to be invested in other lands, or in any other way which it may think most beneficial to the said children.

Circuit court may decree a sale of a tract of land.

CHAP. CCCCX.

*An ACT for the benefit of James Woods.*

Approved, November 30, 1822.

Recital.

WHEREAS, it is represented to the General Assembly of the Commonwealth of Kentucky, that James Woods, a citizen of the state of Virginia, held a claim to fifteen hundred acres of land lying within this commonwealth, and being desirous to pay the taxes annually for the same, appointed William Barnett of Madison county his agent for that purpose, the said Barnett regularly entered with the commissioner in said county of Madison, the above mentioned tract of land, with his own property subject to taxation, believing it was all the law required, and for which he has regularly paid the taxes thereon, and to the great injury of said Woods, the said Barnett has recently discovered that it was stricken off to the state for the non payment of tax, in the year 1808, Therefore,

Auditor to transfer a tract of land.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the auditor of public accounts be, and he is hereby authorised and directed to transfer the aforesaid tract of fifteen hundred acres of land, upon his books, to the said James Woods in the same manner it originally stood, as though the taxes have been regularly paid agreeable to entry in said office.

CHAP. CCCCXI.

*An ACT to establish the county of Calloway.*

Approved, November 30, 1822.

Boundary as described in act of 1821 established,

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the county of Calloway, bounded as described in the eighth section of an act forming the counties of Hickman, Graves, Calloway and M'Cracken on the south west of the Tennessee river, approved, December the nineteenth, one thousand eight hundred and twenty one, be from and af

ter the fifteenth day of January next, one distinct county, called and known by the name aforesaid.

Sec. 2. There shall be commissioned for said county, eleven justices of the peace, a sheriff and coroner, and the said justices of the peace shall meet at the town of Waidesborough, laid off by the commissioners appointed by the before recited act, on the third Monday in January next, and after taking the oaths of office, shall proceed to appoint a clerk, to whose permanent appointment a majority of all the justices in commission in said county, shall be necessary. And the county courts of said county shall thereafter commence on the third Monday in every month, except those months in which the circuit courts are directed to be held. The said county shall form a part of the seventh Judicial district, and the judge of the said district shall, by himself or in conjunction with the assistant judges or either of them appointed by this act, hold circuit courts for said county, to commence on the third Mondays in May, August and November in each year, and continue six juridical days at each term, if the business shall require it.

Sheriff, coroner and justices to be appointed.

Duty of justices

Appoint clerk

When courts to commence & be held.

Added to 7th judicial district

Circuit courts when held

Sec. 3. The permanent seat of justice for said county shall be and is hereby established at the said town of Waidesborough, and the county court shall cause to be erected on the public ground in said town, the necessary public buildings according to law.

Seat of justice established at Waidesborough

Sec. 4. The circuit and county courts and justices of the peace of the county of Hickman, shall have jurisdiction over all matters depending before them at the commencement of this act, and it shall be lawful for all sheriffs, collectors and constables in the said county of Hickman, to collect fines and other monies which may be in their hands for collection, and shall account for the same as if this act had not passed.

Officers authority to make collections &c.

Sec. 5. *Be it further enacted*, That there shall be appointed in the counties of Hickman and Calloway each, two assistant judges who shall have power to hold circuit courts in their

Two assistant judges to be appointed.

Their power.

respective counties, grant and try writs of injunction, *certiorari*, *ne-exeat*, *habeas corpus*, award changes of venue and all such other writs and process which by law the circuit judges of this state can issue and try, and they shall be governed by the law and usages now in force—they shall be allowed for their services, the sum of two dollars per day, for each day they hold court, to be paid out of the public treasury.

Pay.

Criminals to be delivered to jailor of Livingston or Caldwell for safe keeping,

Duty of the jailors.

Elections to be held at seat of justice.

Sec. 6. *Be it further enacted*, That when a person charged with felony, shall be delivered into the custody of the sheriff or jailor of the county of Hickman or Calloway county, it shall be lawful for said sheriff or jailor to deliver said person to the jailor of Livingston or Caldwell county, who shall receive and keep safely said person, the same as if the offence had been committed in the county of the jailor to whom he shall be so delivered, till the sitting of the court in that county in which the offence is alleged to have taken place, at which time an application being made by the sheriff or jailor of the county in which the offence took place, the keeper of the jail in which said person may be confined shall deliver him or her to the sheriff or jailor of that county, in which the offence took place, to be taken to the county where he was committed for trial; and the court of the county in which such person may be indicted, shall at each term make such order as to safe keeping of the prisoner, as to them shall seem right and proper.

Sec. 7. *Be it further enacted*, That the annual general election for said county, shall be holden at the seat of justice and not at the house of William Owens.

## CHAP. CCCCXII.

*An ACT for the benefit of the heirs of John Smith, deceased.*

Approved, November 30, 1822.

**WHEREAS**, it is represented to the present General Assembly of the Commonwealth of Kentucky, that John Smith, late of the county of Montgomery, departed this life intestate, being seized at the time of his death, of a tract of four hundred acres of land, situate upon the waters of Slate creek, in the county aforesaid; and that said decedent was possessed of title to three hundred acres, part thereof, and of a bond on Ralph Morgan for the title to the remaining one hundred acres thereof: and whereas it is also represented, that Henry Smith, one of the heirs at law of said decedent, hath, as administrator of said decedent's estate, sold the said tract of land to one Samuel M'Guire, and given his bond to him, by which he is bound as such administrator, to convey said three hundred acres to said M'Guire, and to assign to him the bond on Ralph Morgan, for the said remaining one hundred acres of the said four hundred acres: and owing to the title having been cast by descent upon the heirs at law of said decedent, some of whom are infants and *femes covert*, the said administrator is unable to convey the said land and appurtenances, agreeably to the terms of said sale, although it would be to the advantage of the said heirs, that said sale should be executed in all its parts: For remedy whereof,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall and may be lawful for the said Henry Smith, for and on behalf of the said heirs at law of said decedent, to convey by such deed of bargain and sale, to the said Samuel M'Guire, his heirs or assigns, the said three hundred acres of land, and to assign over and transfer to him, the said bond on Ralph Morgan for the remaining one hundred acres of said four hundred acres of land, by such assignment, as by the terms of

Preamble.

Administrator to convey certain lands heretofore sold by him.

**Provido.**

said sale, shall be required : which conveyance and assignment, when executed and delivered, shall be binding on the whole of the said heirs, and sufficient to vest the said Samuel M'Guire, his heirs or assigns, with the entire interest and estate in and to said tract of four hundred acres of land, with the appurtenances, as completely to all intents and purposes, as the said decedent in his lifetime, was possessed of the same : *Provided however*, That the rights of the creditors of said decedent, (if any there be) shall be and remain as though this act had not passed. And *Provided further*, That the two infant children of said decedent, be, and they are hereby severally allowed the time of two years after they shall severally arrive to the age of twenty-one years, to impeach the validity of said sale, upon the ground of fraud.

### CHAP. CCCCXIII.

*An ACT authorising a lottery for the benefit of Paris Union Lodge, number sixteen and for other purposes.*

Approved, December 2, 1822.

**Sec. 1.** *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall and may be lawful for Robert Trimble, John H. Coleman, Thomas Arnold, Robert Talliaferro, Willis Young, Aaron Griffing, William Hickman, John B. Raine, Henry Timberlake, Christopher Keizer and Henry Bedford or any three of them, to raise by way of lottery in one or more classes, any sum not exceeding five thousand dollars, to be appropriated in the erecting a Masonic Hall in the town of Paris, for the use and benefit of Paris Union Lodge, No. 16; and the aforesaid Robert Trimble, John H. Coleman, Thomas Arnold, Robert Talliaferro, Willis Young, Aaron Griffing, William Hickman, J. B. Raine, Henry Timberlake, Christopher Keizer and Henry Bedford, or such of them as may choose to act, shall before

Lottery authorised for the benefit of Paris Union Lodge No. 16, and names of managers.

Commissioners to give bond.



they enter upon the duties of their office, in the county court of Bourbon, enter in bond with good security to be approved of by said court, in the penal sum of ten thousand dollars; which bond shall be given to the commonwealth of Kentucky, and conditioned for the faithful discharge of the duties enjoined upon them by the provisions of this act, which bond may from time to time, be sued on in the name of the commonwealth of Kentucky, for the benefit of any person or persons, injured by any breach of said bond. And it shall be the duty of said managers within ninety days after the completion of the drawing of said lottery, to pay to the fortunate person or persons, or to his, her or their order, all such prize or prizes that may be due agreeably to the scheme which they may agree on and publish. *Provided however*, that such scheme shall not reserve more than fifteen percent. Said managers shall have the right to appoint a clerk or clerks, and any other officer necessary to conduct said lottery, all of whom shall before they enter upon the duties of their offices, take an oath before some justice of the peace, faithfully and honestly to discharge the several duties of their offices.

Condition thereof.

May be sued on.

Duty of the managers.

Clerks and officers to take an oath.

Sec. 2. *Be it further enacted*, That the said managers shall report from time to time, to said Lodge, the progress they may have made in said business; and shall within ninety days after the completion of said drawing, or of any class, pay over to the Master and Wardens of said Lodge, for the time being, all sums due said Lodge in consequence of said lottery.

Managers to report proceedings.

Sec. 3. *Be it further enacted*, That at any time after the passage of this act, the Master and Wardens of said Lodge, by the advice and consent of said Lodge, may and they are hereby authorised to acquire by purchase or donation an eligible scite whereon to erect said masonic hall, not exceeding two acres, and shall take a conveyance to the said Master and Wardens, and their successors, for the use and benefit of said Lodge, which title, so made, shall forever vest the said land and appurtenances in said

Master and Wardens may purchase lot of ground to erect a hall.

Take a conveyance to master and Wardens.

Master and Wardens, and their successors, for the use and benefit of said Lodge.

Sec. 4. *Be it further enacted*, That said drawing shall be conducted in the presence of two justices of the peace.

Lottery authorised for the benefit of Montgomery Lodge.

Sec. 5. *Be it further enacted*, That Samuel D. Everet, William Ferguson, Rezin H. Gist, Samuel Feemster, Moses Grooms, William Bell, Ennis Combs, Nathan Divine and John Slavens, or any three of them, may raise by lottery, in one or more classes, as to them shall seem most proper, for the use of Montgomery Lodge, No. 23, any sum of money not exceeding five thousand dollars, to be appropriated for the purpose of erecting a Masonic Hall in the town of Mountsterling, for the use of said lodge. But before the said managers shall act, they shall enter into bond with approved security, in the clerks office of Montgomery county, before the clerk thereof, the penalty of which bond shall be ten thousand dollars, conditioned for the faithful discharge of the trust herein reposed in them, and for the payment of all such sums of money as any fortunate adventurer may have claim to, and for the payment of the nett proceeds of said lottery, to the order of said lodge. The bond shall be made payable to the commonwealth of Kentucky, and may be sued on by any person injured by a breach of the condition thereof. And the said commissioners shall in all other respects be governed by the same rules and regulations as is above directed in the act respecting Paris Union Lodge, and the said lottery shall be conducted as directed in the foregoing part of this act.

Managers to give bond.

Lottery to open a road from Beaver creek iron works to Prestonsburg

Sec. 6. *Be it further enacted*, That Joseph R. Ward, Edward Wells, David K. Harris, John S. Oakley, Samuel May, Robert Crockett, Francis Lewis, Adam Gayhart, John Hammon and Andrew Johnson, or any five of them, be and they are hereby authorised as managers to raise by lottery, in one or more classes as to them shall seem most proper, for the purpose of opening a road from the Beaver Creek Iron works in Bath county, by the way of Edward

Wells' mill on Licking River, to Prestonsburg in Floyd county, any sum of money not exceeding one thousand five hundred dollars, and to be by them appropriated in opening the said contemplated road. But before said managers shall act, they shall, in the county court of county, enter into bond, with such security as shall be approved of by said court, in the penalty of ten thousand dollars, conditioned for the faithful performance of the duties enjoined on them by this act; which bond shall be made payable to the commonwealth of Kentucky, and may from time to time be put in suit by any person injured by a breach of the condition thereof, to be instituted in the name of the commonwealth of Kentucky, to the use of the person so suing. And it shall be the duty of the said managers, within ninety days after the completion of the drawing of said lottery, to pay to the fortunate person or persons entitled to the same, or as soon thereafter as the same may be applied for, or to his, her or their written order, such prize or prizes as may be due agreeably to the scheme which said managers may agree on and publish : *Provided however*, that said managers shall not reserve more than fifteen percent out of the whole amount of prizes that may be drawn, in pursuance of said scheme.

Managers to give bond.

Sec. 7. *Be it further enacted*, that said managers may appoint one or more clerks, if to them it shall seem necessary, to aid in conducting said lottery ; who together with said managers shall before they respectively enter upon the duties of their offices, take an oath before some justice of the peace for county, honestly and faithfully to discharge the duties enjoined on them. And it shall be the duty of said managers from time to time, to make report of their progress in said business to said court, and it shall be the duty of said court, to appoint two of their own body to preside over the drawing of said lottery.

Officers and managers to take an oath.

Sec. 8. *Be it further enacted*, That Martin W. Ewing, Joseph B. Lancaster, Joseph G. M'Clellan, Hugh M'Elroy, Edward B. Gai-

Lottery for the benefit of the Springfield lodge.

Managers to enter into bond

Condition thereof.

ther, Samuel Robertson and Mathew W. Nantz, or any three of them, may raise by lottery in one or more classes, as to them shall seem most advisable for the use of Springfield Lodge, No. 50, any sum of money not exceeding five thousand dollars, to be appropriated for the purpose of erecting a Masonic hall in the town of Springfield, for the use of said lodge. But before the said managers shall act, they shall enter into bond with approved security, in the clerks office of the Washington county court, before the clerk thereof, the penalty ————— of which bond shall be ten thousand dollars, conditioned for the faithful discharge of the trust herein reposed in them, and for the payment of all such sums of money as any fortunate adventurer may have claim to, and for the payment of the nett proceeds of said lottery, to the order of said lodge. The bond shall be made payable to the commonwealth of Kentucky, and may be sued on by any person injured by a breach of the condition thereof ; And the said commissioners shall in all other respects be governed by the same rules and regulations, as is directed in this act respecting the Paris Union Lodge, and the said lottery shall be conducted as directed in the foregoing part of this act.

Lottery to open a road from Olympian Springsto Beaver creek iron works.

Managers to give bond

Sec. 9. *Be it further enacted*, That John T. Mason, Jr. Robert Stockton, William M. Sud-dith, Robert Crooks, Peter Mason, Joseph M'Murtry and Cuthbert Banks, or any three of them, be and they are hereby authorised as managers, to raise by lottery, in one or more classes as to them shall seem most proper, for the purpose of opening and improving a road from the Olympian Springs to the Beaver creek Iron works in Bath county, any sum of money not exceeding five thousand dollars, and to be by them appropriated in the opening and improving the said road ; But before said managers shall act, they shall in the county court of Bath county, enter into bond with such security as shall be approved of by said court, in the penalty of ten thousand dollars, conditioned for the faithful performance of the duties enjoined

on them by this act ; which bond shall be made payable to the commonwealth of Kentucky, and may from time to time be put in suit by any person injured by a breach of the conditions thereof, to be instituted in the name of the commonwealth of Kentucky, to the use of the person so suing. And it shall be the duty of the said managers, within ninety days after the completion of the drawing of said lottery, to pay to the fortunate person or persons entitled to the same, or so soon thereafter as the same may be applied for, or to his, her or their written order, such prize or prizes as may be due, agreeable to the scheme which said managers may agree on and publish : *Provided however*, that said managers shall not reserve more than twenty per cent out of the whole amount of prizes that may be drawn, in pursuance of said scheme.

Sec. 10. *Be it further enacted*, That said managers may appoint one or more clerks if to them it shall seem necessary, to aid in conducting said lottery, who together with the said managers, shall before they respectively enter upon the duties of their offices, take an oath before some justice of the peace for Bath county, honestly and faithfully to discharge the duties enjoined on them ; and it shall be the duty of said managers from time to time, to make report of their progress in said business to said court, and it shall be the duty of said court to appoint two of their own body, to preside over the drawing of said lottery.

Managers and officers to take oath.

Sec. 11. It shall and may be lawful for David G. Cowan, Benjamin H. Perkins and Michael G. Youce, for and in behalf of Franklin Lodge, No. 28, and Samuel Daviess, Gabriel Tandy and Benjamin F. Pleasants, in behalf of Warren Lodge, No. 53, to raise by way of lottery, each five thousand dollars, for the purpose of purchasing a lot or lots of ground, not exceeding two acres each, and erecting thereon a suitable building, under the same rules and regulations contained in the first section of this act, as if the county of Mercer and the names of the managers were expressly named, and to

Lottery for the benefit of the Franklin and Warren lodges

account for the same when drawn, in the same manner as provided for in the said section.

Proviso.

*Provided however*, that if the drawing of any of the lotteries authorised by this act, shall not be completed within two years from the time the managers shall commence the sale of the tickets, the holder of any such lottery ticket or tickets may sue and recover from the managers of such lottery, the price at which such ticket or tickets may have been sold.

## CHAP. CCCCXIV.

*An ACT for the benefit of Nancy Templin, an Idiot.*

Approved, December 2, 1822.

Recital

WHEREAS, William M'Bride has exhibited his petition to the present General Assembly of the Commonwealth of Kentucky, praying that a law may pass, authorising him to dispose of the real estate of Nancy Templin, an idiot, in his custody, and some doubts are entertained upon the power of the legislature to pass any law, whereby an individual right to real estate may be divested without the interposition of a court of justice: Therefore,

Commissioner may be appointed to take care of her estate, &c.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That upon application to any court of chancery within this commonwealth, by the said M'Bride, the chancellor may, and is hereby authorised, if it shall seem to him advantageous to the said Nancy Templin, appoint the said M'Bride a committee to take care of the person and estate of the said Nancy, with authority to sell and convey all estate personal and real at his discretion: *Provided however*, That the said chancellor shall first require of the said M'Bride to give his bond with approved security, under such penalty as the court shall deem sufficient, for the faithful performance of his duty as a committee aforesaid.

Give bond with security.

CHAP. CCCCXV.

*An ACT for the benefit of Catharine Logsden and others.*

Approved, December 2, 1822.

WHEREAS, it is represented to the General Assembly, that Catharine Logsden, widow of Henry Logsden, and the widow of John Graham, of Hardin county, and Mrs. Woods, widow of James Woods, of Muhlenburg county, are poor and without land, yet worth so near about one hundred dollars, that it would be difficult for them to avail themselves of the law made for the benefit of poor widows, and that they have large families of children : Therefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the Register of the Land Office, is hereby authorised and directed, upon application, to issue a land warrant of one hundred acres, to each of the aforesaid widows, for their use and benefit, without the state price being paid thereon; which may be located on any vacant land in this commonwealth, subject to appropriations by such warrants.

Recital  
Donation of  
100 acres of  
land to Mrs.  
Logsden, Mrs.  
Graham & Mrs.  
Woods

CHAP. CCCCXVI.

*An ACT for the benefit of the heirs of John Edmiston deceased.*

Approved, December 2, 1822.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the county court of Garrard, be, and it hereby is authorised to appoint, on the application of Clary Edmiston, guardian of the infant heirs of John Edmiston deceased, late of said county, three commissioners, who shall have full power and authority to make partition and distribution among the legal heirs of said decedent, of all the land, slaves and personalty constituting their distributable fund, in such manner as

Court may appoint commissioners to make partition of the estate without assigning to each a share of the same species of property.

Report of commissioners to be recorded.

Proviso.

they shall consider just and equal; without being bound to assign to each, a distributive share of each species of property; and that said commissioners shall report to said county court, the manner in which they shall have discharged the trust confided to them; which report shall if approved by said court, be valid and binding on said heirs: *Provided however,* That nothing herein contained, shall divest any person interested from revising said report, in a court of chancery, for fraud, mistake, or manifest injustice.

## CHAP. CCCCXVII.

*An ACT to divorce Rebecca Walker.*

Approved, December 2, 1822.

**WHEREAS**, it is represented to the present General Assembly of the Commonwealth of Kentucky, that William Walker was arrested and recognised to appear before the circuit court of Fayette, to answer to several charges of felony, but forfeited his recognisance, and fled from this commonwealth and justice, and at the same time abandoned his wife Rebecca Walker to extreme indigence, Therefore upon the petition of said Rebecca,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the marriage contract between the said William and Rebecca be dissolved, and that the said Rebecca be, and is hereby divorced.

## CHAP. CCCCXVIII.

*An ACT for the benefit of the widow and heirs of Edward Harris, deceased.*

Approved, December 2, 1822.

Recital

**WHEREAS**, it is represented that Edward Harris, late of the county of Mason, died seized of sundry houses and lots in the town of



Washington, in the county of Mason, that he was indebted at the time of his death, to an amount greatly beyond the value of his personal property, and that it would be advantageous to his widow and infant children, that the said lots should be sold for the payment of his debts, rather than the little personal property, particularly as the latter is necessary to the comfort and convenience of his widow and infants, and the former is likely to decline in value: Therefore,

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the said children of the said Edward, may, by their mother as their guardian, file in the Mason court, their petition, praying the said court in its chancery capacity, to decree the sale and conveyance of said houses and lots, and the said court is hereby authorised and empowered, upon being satisfied by affidavits or other proof, that it would be to the advantage of the said widow and children of the said Edward, deceased, that the said houses and lots should be sold, to decree the sale and conveyance thereof, under such regulations and restrictions, as will, in its discretion, best promote, not only the advantage and convenience of the widow and children aforesaid, but promote and secure also, the interest and rights of the creditors of the said decedent.

Court authorised to decree sale and conveyance of certain real estate.

## CHAP. CCCCXIX.

*An ACT for the benefit of William Lobb.*

Approved, December 2, 1822.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall and may be lawful for William Lobb to file with the Register of the Land Office, a plat and certificate of survey for eighty-six acres of land, on White-oak creek, in Garrard county, being the residue of a survey of four hundred acres, made in the name of Archibald Woods, upon a cer-

Register authorised to issue a patent.

tificate granted by the Lincoln county court; and by the heir-at-law of said Woods, conveyed to the said William Lobb, and the Register shall thereupon issue a patent to the said William Lobb.

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CHAP. CCCCXX.

*An ACT for the benefit of Andrew Turner and others.*

Approved, December 2, 1822.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the auditor of public accounts issue warrants on the treasury for the following claims, and to be paid out of any money therein, not otherwise appropriated, to-wit: To Andrew Turner and John G. Whaley, thirty four dollars fifty cents each, Nathaniel M'Guire, nineteen dollars fifty cents. John Whitesworth twenty nine dollars twenty five cents, William Sepple three dollars seventy five cents, David Myers seventy five cents, and Benjamin Archer fifteen dollars, each for their services in guarding Thomas Baish, whilst confined in the jail of Gallatin county on a charge of murder.

Allowances to  
And. Turner,  
J. G. Whaley,  
N. M'Guire,  
J. Whitesworth

W. Sepple,  
D. Myers,  
B. Archer.

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CHAP. CCCCXXI.

*An ACT for the benefit of Jailors and Constables.*

Approved, December 2, 1822.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That in all cases where any jailor or constable may have, or shall hereafter render any services to this commonwealth, the payment of which is not provided for out of the treasury of this state, the county court where such services may have been rendered, shall at their next court of claims levy the same.

County court  
to levy for jailor  
and constable.

This act shall not be so construed as to change

the law where any individual or individuals are bound for costs, unless the same cannot be made out of such individual or individuals. How to construe the law.

## CHAP. CCCCXXII.

*An ACT for the benefit of the heirs of Lewis Masquirier and others.*

Approved, December 2, 1822.

**WHEREAS**, it has been represented to this General Assembly, that Lewis Masquirier, deceased, did in his lifetime, purchase from a certain Absalom Hall, two hundred and twenty-seven acres of land in Bourbon county, that the said Masquirier was a Frenchman, and there is no evidence of his ever having become a citizen of the United States, that he sold part of said land in his lifetime, and his heirs-at-law are in possession of, and claim the residue by descent, but doubts exist as to the legality of the title, both of the purchaser and the heirs: Recital.  
For remedy whereof,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the purchase of the tract of land, made as aforesaid, by the said Lewis Masquirier, he, and the same is hereby confirmed and rendered as legal and valid as it would have been, if the said Lewis Masquirier had been a natural born citizen of the United States, and that all right, title or interest which the commonwealth might, or could assert to said land, and to every part and parcel thereof by escheat or otherwise, is hereby released to the heirs of, and the purchasers deriving title from the said Lewis Masquirier, either immediately or remotely, respectively, according to their several interests therein. State's right of escheat to certain lands released.

## CHAP. CCCCXXIII.

*An ACT for the benefit of William B. Long.*

Approved, December 2, 1822.

Recital

WHEREAS, it is represented to the present General Assembly, that William B. Long was many years ago employed as an attorney at law by the agent of the Penitentiary, to collect certain accounts, for which he gave a receipt which fell into the hands of a subsequent agent, who being unacquainted with the circumstances attending it, brought suit on the receipt, and the said Long being unable to procure his witnesses, a judgment at law was rendered against him, which he enjoined, and on a hearing of the injunction it was dissolved, because the chancellor was of opinion he should have made his defence at law, and a suit has been brought by the agent on the injunction bond, against his security; that upon an equitable adjustment of his accounts, he is only indebted to the institution in the sum of fifteen dollars ninety two cents, and although the present agent is convinced that this sum is all that is really due, he is advised that he has no authority to adjust the same; and the said Long has petitioned to have the account adjusted upon equitable principles, Therefore,

Claim in favor  
the penitentiary  
against him  
to be settled.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the agent of the Penitentiary in a settlement of the account of said William B. Long, allow him a further credit of the sum of one hundred and three dollars eleven cents, in addition to the credits allowed by the court, which will leave the said Long indebted to the institution in the sum of fifteen dollars ninety two cents, for which sum and the costs, the agent is authorised to take a judgment in the suit now pending against the security of said Long.

CHAP. CCCCXXIV.

*An ACT for the relief of Walter Emmerson, Sheriff of Wayne county.*

Approved, December 2, 1822.

WHEREAS, it is represented to the present General Assembly of the Commonwealth of Kentucky, that Walter Emmerson, sheriff of Wayne county, owing to the resignation of his deputies about the first of October last, it will be out of his power to collect and pay over the revenue tax for the last year, and make his delinquent list out by the time allowed by law.

Recital

Sec. 1. *Be it therefore enacted by the General Assembly of the Commonwealth of Kentucky,* That the said Walter Emmerson be allowed until the first day of April next to collect and account for the revenue tax aforesaid, and also the same time to make out and return his delinquent list, any law to the contrary notwithstanding.

Further time  
to collect and  
account for re-  
venue.

CHAP. CCCCXXV.

*An ACT to amend an act entitled "an act for the benefit of the Seminary of Harlan county.*

Approved, December 2, 1822.

WHEREAS, doubts have been entertained whether the register is authorised to issue grants for the lands in said act mentioned, to the assignees of the purchasers thereof, Wherefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That it shall and may be lawful for the register of the land office to issue grants for any of the lands in the aforesaid recited act, mentioned to the purchaser or purchasers, or to his, her or their assignee or assignees, or other person or persons who may hold the same by a regular transfer or assignment, any law to the contrary notwithstanding.

CHAP. CCCCXXVI.

*An ACT to regulate the right of suffrage in the county of Lawrence.*

Approved, December 2, 1822.

Part of voters  
to vote with  
Greenup.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the qualified voters in that part of the county of Lawrence which was stricken from the county of Floyd, shall be and they are hereby attached to the county of Greenup, for the purpose of electing a member of the house of representatives, and all that part of said county, which was stricken from the county of Greenup, shall be and is hereby attached to the senatorial district composed of the counties of Bath and Floyd, and the qualified voters living in said bounds; shall have the right to exercise their right of suffrage in the election of a Senator from said district.

Part of voters  
to vote with  
Floyd.

Sec. 2. *And be it further enacted,* That hereafter the place of holding the election for the Blane precinct, that was in the bounds of the county of Greenup, shall be holden at the court house of Lawrence county, and all the qualified voters that live within the bounds of the county of Lawrence, shall have the right to vote at said court house or at any of the precincts in said county, subject to the same pains and penalties as is now provided for by law for voting improperly, and no person who lives in the county of Lawrence shall vote in the county of Greenup or Floyd, and the sheriff of the county of Lawrence shall attend at the court houses of Floyd and Greenup for the purpose of comparing the polls at the same time, and under the same regulations as is provided for by law.

CHAP. CCCCXXVII.

*An ACT for the benefit of the trustees of the town of Columbus.*

Approved, December 3, 1832.

WHEREAS, Joseph R. Underwood, one of the trustees of the town laid off at the Iron Banks, at the sale of the lots thereof, became the purchaser of eight in-lots and three out-lots, at the price of two hundred and thirty-two dollars; and he has by petition, presented to the Legislature the question, *whether he could legally become the purchaser of said lots, being interested in the sale of said property as agent?* and expressed his willingness that the sale shall be vacated upon the purchase money being refunded; and the Legislature deeming the sale and purchase void: Therefore,

Preamble.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the sale of said eight in-lots and three out-lots, in the town of Columbus, to the said Joseph R. Underwood, he, and the same is hereby annulled and set aside; and upon the said Underwood's surrendering to the other trustees, the deed he has received for the same, and their certificate to that effect being filed with the auditor of public accounts; he is hereby required to issue his warrant in favor of said Underwood, for the said sum of money, which shall be paid by the treasurer, out of the proceeds of the sales of lots in the said town of Columbus.

Sale of lots to Underwood set aside and price refunded.

Sec. 2. *Be it further enacted,* That upon the Trustees of the town of Columbus, laid off at the Iron Banks, filing their accounts with the auditor of public accounts, stating the number of days they each have been employed in the duties assigned them by the Legislature, he shall issue his warrant on the treasurer for the sum of four dollars per day, for their services, and four dollars for every thirty miles of traveling to, and returning from said town, to be paid out of the fund arising from the sale of lots in said town.

Trustees allowed \$4 per day.

## CHAP. CCCCXXVIII.

*An ACT for the relief of the heirs of John Allen.*

Approved, December 3, 1822.

**WHEREAS**, it is represented to the present General Assembly, that Frederick Warnack, as an officer of the revolution, in the Virginia state line, became entitled, for his services, to part of a military warrant, number seventy nine, upon which he made two entries for one thousand acres of land each, south west of the Tennessee River. That the said Warnack departed this life, an alien, without issue, leaving four sisters and two brothers, his heirs and legal representatives, all of whom constituted John Henry Daniel Warnack, their agent to dispose of, among other things; the said two thousand acres of land and with authority to constitute sub-agents for the same purpose; in pursuance of which latter authority, the said John Henry Daniel Warnack constituted his son Frederick Christian Warnack and Adolphe Ehrigshausen, who transferred the said two thousand acres of land, to John Allen, who departed this life leaving Thomas O. Allen, William S. Allen, Granville Allen, Tandy Allen, Francis J. Allen, Julian Grosgean late Julian Allen, Jonas Meniffee, and Jane his wife, and Gabriel T. Allen, his heirs and legal representatives. That no survey has been made or patent issued for the said two tracts of land; Wherefore,

Surveys and  
grants author-  
ised on certain  
entries.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall and may be lawful for the heirs of said John Allen to procure a survey or surveys of the said tracts of land to be made in their names, and to have plats and certificates thereof returned and filed in the registers office, and it shall be the duty of the register to issue a grant or grants thereon to the said heirs as in other cases, any law to the contrary notwithstanding.



CHAP. CCCCXXIX.

*An ACT for the benefit of Jarmin Hukill and others.*

Approved, December 3, 1822.

WHEREAS, it is represented to the present General Assembly, that Jarmin Hukill, John M'Daniel, Enos M'Daniel Jr. Simeon Robertson and Asa Williams, of the county of Bourbon, did in March last obtain from a magistrate of said county, a warrant against a certain Andrew Cummins, charging him, the said Cummins with the murder of a certain Enos M'Daniel of said county; and the said Cummins having fled from justice, the said Hukill, John and Enos M'Daniel Jr. Robertson and Williams, did pursue the said Cummins eight days, and apprehended the said Cummins and lodged him in the public jail at Paris, That in the said pursuit they necessarily expended considerable sums of money, and it being but reasonable that they should be remunerated and compensated for their time and expenses so incurred: Therefore,

Recital.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the auditor of public accounts, be and he is hereby required to issue a warrant on the treasury for the sum of one hundred and two dollars twenty five cents, being the amount expended by them in apprehending said Cummins, and guarding him to the jail at Paris, and also the sum of eight dollars to each of the above named persons for the eight days they were necessarily engaged in said pursuit.

Allowances made to Jarmin Hukill & others.

CHAP. CCCCXXX.

*An ACT for the benefit of the widow and heirs of Leonard Robertson, deceased.*

Approved, December 3, 1822.

WHEREAS, it is represented to the General Assembly of the Commonwealth of Kentucky,

Preamble

that Leonard Robertson, late of the county of Henderson, died leaving a wife and eight infant children, and no property except a negro woman and four small children, and whereas it is deemed proper that every means should be afforded to the widow of the said Robertson for the maintainance of herself and his children.

Henderson circuit court authorised to decree sale of 2 negro children to purchase a negro man.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That it shall be lawful for Sally Robertson widow and administratrix of Leonard Robertson deceased to file in the Henderson circuit court, her petition, praying the said court in its chancery capacity, to decree the sale and conveyance of two negro children to obtain a fund, which shall be appropriated to the purchase of a negro man, to enable the said widow and children better to obtain subsistence—the said court being first satisfied, by affidavit or otherwise, that the sale aforesaid would be conducive to the interest of the said widow and children, shall decree that it be made in conformity to said petition.

## CHAP. CCCCXXXI.

*An ACT to amend the several acts concerning working on roads.*

Approved, December 3, 1822.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That every free male inhabitant of the age of fifty years and upwards, shall be exempted from working on roads, streets and allies, any law to the contrary notwithstanding.

CHAP. CCCCXXXII.

*An ACT for the benefit of the creditors of Jacob Anderson deceased.*

Approved, December 3, 1822.

WHEREAS, it is represented that Jacob Anderson, late of the county of Campbell died seized of two lots in the town of Harrisburg, in the said county, that he died without leaving an heir of any kind, and that he was at the time of his death considerably indebted. That George Harris of said county, took administration of his goods and chattels, of which there was but little—greatly less than enough to pay his just debts; and that under the existing law there is no mode of subjecting the said lots to the payment of his debts. For remedy whereof,

Preamble,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That all claim which the state of Kentucky could assert to the said lots by reason of the want of heirs to the said Jacob Anderson, be and the same is hereby released to the said George Harris, administrator as aforesaid, in trust for the benefit of the just creditors of the said Jacob deceased, and the said George Harris is hereby invested with all the right, title and claim to the said lots to which the state of Kentucky could by inquisition and office found, assert to said lots by reason of the said Jacob's having deceased without heirs, in trust for his creditors: and the said George Harris is hereby authorised to sell and convey the said lots, for the benefit of the said creditors, and with the proceeds to pay off the said debts: But he is before he proceeds to sell the same, to execute bond in the county court of Campbell county, with approved security, conditioned for the fair and faithful application of the proceeds of the sale of said lots to the payment of the debts aforesaid.

State's claim to lots in Harrisburg released.

Administrators authorised to sell and convey lots.

Condition.

CHAP. CCCCXXXIII.

*An ACT for the relief of Joseph Watts and the heirs of Daniel North.*

Approved, December 3, 1822.

Preamble.

WHEREAS, it is represented to the present General Assembly, that Daniel North deceased, late of Livingston county and Joseph Watts owned in copartnership, a tract of land in said county, on which was erected a valuable tanyard and distillery, and the said Daniel having died intestate, leaving a widow and one child, only one year old, the improvements on said tract of land are likely to fall into decay for want of proper management, and it is thought it would be of great advantage to said widow and child, to sell said tract of land: Therefore,

Livingston circuit court authorised to decree sale and conveyance of land.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the Livingston circuit court may and it is hereby authorised and empowered, upon the petition of said Joseph Watts and of said widow for herself and as guardian for the said infant, filed in said court for that purpose, to decree a sale and conveyance of said tract of land, upon such credit and under such conditions and restraints as in the opinion of said court, will most conduce to the interest of the parties interested.

CHAP. CCCCXXXIV.

*An ACT for the benefit of the Administrator of Isabella Razor deceased.*

Approved, December 4, 1822.

Preamble.

WHEREAS, doubts exist as to the power of the administrator of Isabella Razor, to convey a certain lot of ground, in the town of Danville which was authorised to be sold, pursuant to an act passed at the October session one thousand eight hundred and twenty one: For remedy whereof,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the said ad-

Administrator is hereby declared to be invested under the act aforesaid, with power and authority to convey to the several purchasers of the lot aforesaid, all the right and title held by said Isabella in her lifetime.

Power to convey lots under act of 1821 declared.

# CHAP. CCCCXXXV.

*An ACT to authorise the sale of the real estate of Turner Bottom deceased.*

Approved, December 4, 1822.

WHEREAS, it is represented to the present General Assembly of the Commonwealth of Kentucky, That it is for the advantage and benefit of the infant children of Turner Bottom deceased, that a certain tract of land, containing about sixty acres, upon which there is a water Grist Mill be sold, Therefore,

Recital:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That it shall and may be lawful for the Mercer circuit court, upon the petition of the guardian of the infants aforesaid, or of the administrators of said decedent to decree a sale of said tract of land, upon proof satisfactory, that it is for the advantage of the infants aforesaid, that if such sale should take place, making such orders therein as may seem necessary to guard the interests of said infants.

Circuit court authorised to decree sale of estate upon certain conditions

# CHAP. CCCCXXXVI.

*An ACT to extend the powers of the Trustees of Shippingsport.*

Approved, December 4, 1822.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That Lewis A. Tarascon, Nicholas Berthoud, William M'Keever, Fry Davis and Joseph White, be and they are hereby appointed trustees of said town in the room and stead of those heretofore ap-

Names of trustees

pointed for that purpose, to serve as such until others shall be duly elected or appointed.

Qualification  
of electors

Sec. 2. *Be it further enacted*, That each and every free white male person, of the age of twenty one years, holding title to real estate within said town or its enlargements, and also actual resident housekeepers in said town, shall be entitled to vote at any election of trustees for said town, and none others.

Trustees may  
levy additional  
taxes

Sec. 3. *Be it further enacted*, That in addition to the tax of one dollar each, now authorised to be levied and collected from the inhabitants of said town, the trustees aforesaid or their successors in office, are hereby authorised to assess, levy and collect a tax not exceeding five hundred dollars in such manner as they, or a majority of them, shall deem most equitable, for the benefit and improvement of said town; upon the property, real and personal within the same.

Annual elec-  
tions to be held  
in November

Sec. 4. *Be it further enacted*, That there shall be annually on the first Monday in November, in each and every year, an election for trustees of said town, under such rules and regulations as the trustees thereof, from time to time shall adopt, and if from any cause, an election shall not be had on that day, the trustees of said town may appoint such other day therefor as they may think proper.

Trustees may  
pass bye-laws  
and annex pen-  
alties

Sec. 5. *Be it further enacted*, That said trustees or their successors, shall have full power and authority to make such bye laws and regulations, from time to time, not inconsistent with the constitution or laws of this commonwealth for the good government of said town, as they may deem expedient, and annex such penalties for a breach thereof, as they may think reasonable, which fines shall be collected before any justice of the peace of said town or county, having jurisdiction thereof. To appoint a harbor master, to adopt such rules and regulations for the government of said harbor, and to annex such reasonable fines for a breach thereof as they may think proper, recoverable as afore-

How enforced  
and collected

said, all of which fines may be applied to the use and benefit of said town.

Sec. 6. *Be it further enacted*, That it shall be the duty of the county court of said county, a majority of all its justices being present and concurring therein, to recommend a fit person within said town, to serve as a justice of the peace for said county, in addition to the number now allowed by law, who shall be commissioned by the governor of this commonwealth.

County court to recommend a person to be commissioned as a justice of the peace

## CHAP. CCCCXXXVII.

*An ACT to extend the powers of the trustees of the town of Lexington.*

Approved, December 4, 1822.

WHEREAS, doubts are entertained whether the powers already conferred on the trustees of the town of Lexington are sufficient for the good government of said town, Therefore,

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the said trustees are hereby vested with power, by any bye-law or ordinance passed at a regular stated meeting of the board, to prohibit the opening of any theatre, for the performance of any dramatic production, or to prohibit the exhibition of any wax figures, or other public shows, in said town, without a licence previously obtained from them, or from such officer as they may appoint for that purpose, under the rules which they may prescribe.

Trustees may prohibit theatrical exhibitions, shows, &c. without licence.

Sec. 2. *Be it further enacted*, That the said trustees shall have power, in like manner, to require the payment of such tax as they may deem proper, as an equivalent to the town for the granting of such licence, provided such tax do not exceed the sum of five dollars for every twenty four hours in which such theatre may be opened, for the performance of any dramatic production, or in which such exhibition of wax figures, or other public shows may be made.

May tax such licence.

CHAP. CCCCXXXVIII.

*An ACT to alter the time of holding certain circuit courts.*

Approved, December 4, 1822.

Jefferson circuit court to hold two common law terms annually, to commence in March and October

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the circuit court for the county and circuit of Jefferson, shall in each and every year hereafter, hold two common law terms, and no more, for the trial of civil causes : The first common law term of said court, shall commence on the second Monday in March, and continue forty eight juridical days ; the second, on the second Monday in October, and continue forty two juridical days, if the business of said court at said terms shall require it.

Two chancery terms to commence in January & June

Sec. 2. Said court shall in each and every year hereafter, hold two regular chancery terms for the trial of chancery causes ; one to commence on the third Monday in January and continue thirty juridical days, the other on the first Monday in June, and continue twenty four juridical days, if the business at said terms shall require it.

May appoint additional terms for the trial of chancery causes

Sec. 3. Said court shall have power to appoint and assign additional terms for the preparation and trial of chancery causes ; which assignment and appointment, if made, shall be entered on the order book of said court at any of the terms before mentioned.

Court may do common law business at chancery term

Sec. 4. Said court, at the chancery terms shall have power to do and transact all common law business which does not require a jury.

And appoint special terms for the trial of criminals and penal causes

Sec. 5. Said court during term time, or the judge thereof in vacation, shall have power to assign special terms of said court, for the trial of criminal or penal causes ; and the order of said court or judge, directed to the sheriff of the county, shall authorise him to publish it in some news-paper, printed in the town of Louisville, and summon a grand jury and venires as in other cases ; and after said court shall be formed, they shall possess the like power, authority and jurisdiction over the causes afore-

Notice to be given &c



said, as at the regular and stated terms of said court.

Sec. 6. That hereafter there shall be holden in the county of Adair, in each and every year, two terms of the circuit court for the transaction of common law business, and one term for the transaction of chancery business ; the first common law term shall commence on the first Monday in March and continue twelve juridical days, if the business require it. The chancery term shall commence on the first Monday in June, and continue twelve juridical days, and the second common law term shall commence on the first Monday in September and continue twelve juridical days.

Common law terms for Adair to be held in March and September & a chancery term in June

Sec. 7. That the said court at the common law terms, shall possess the same power to make any preparatory orders in chancery causes, to hear motions to dissolve injunctions, that they had previous to the passage of this act.

Court at the common law terms may do chancery business

Sec. 8. Nothing herein contained shall be construed to prevent the said court, at the chancery terms, from trying any pleas of the commonwealth in the same manner as they now have or heretofore had at the common law terms.

Proviso

Sec. 9. *Be it further enacted*, That the circuit court for the county of Washington shall hereafter commence and hold its terms on the first Mondays in May and the second Mondays in August and November, in each and every year hereafter, and shall sit twelve juridical days at each term, should the business require it.

Times of holding the Washington circuit court.

Sec. 10. *Be it further enacted*, That all recognisances of any person or persons to appear at the first term of said courts, after the passage of this act, and all process of every kind, made returnable to said first term or any day of said term, shall be good and valid in law to all intents and purposes, as if the same had been taken and returnable to the terms of said court as they were established previous to the passage of this act, and the same shall be as binding in all respects, and upon all parties as if this act had not passed.

Regulations with regard to process recognisances & returnable to the terms of said courts as formerly held

CHAP. CCCCXXXIX.

*An ACT for the benefit of John P. Thomas.*

Approved, December 4, 1822.

Released from  
the penalties  
and disabili-  
ties of act of  
1798 concern-  
ing auditor &  
treasurer

*Be it enacted by the General Assembly of the Commonwealth of Kentucky, That John P. Thomas, late treasurer of this commonwealth, be released from all the penalties and disabilities imposed by the twelfth section of an act, entitled, an act to reduce into one, the several acts concerning the auditor and treasurer, approved on the sixth day of February, one thousand seven hundred and ninety eight, the said Thomas having paid into the public treasury, the whole amount of the money misapplied by him while he was in office, with interest thereon.*

CHAP. CCCCXL.

*An ACT in relation to the road from Mountsterling to the Virginia line.*

Approved, December 5, 1822.

Appointment  
and duty of  
commissioner.

*Sec. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the county court of Montgomery county, shall have full power to appoint four commissioners, any three of whom may act, to review that part of the road leading from Mountsterling to Prestonsburg, which passes through the land of James Montgomery and John Lee, and shall report to said court, the conveniences and inconveniences which the public, as well as individuals may sustain by the change which is contemplated, and on the return of said report, the county court shall have power to make (if they deem it expedient) any order to change the said road, at the expense of the said Montgomery and Lee, which road when changed, shall be governed in all respects, by the laws now in force.*

Power of  
Floyd county  
court

*Sec. 2. The county court of Floyd shall have full power to appoint four commissioners, any three of whom may act, to review that part of*

the road leading from Mountsterling to Prestonsburg, which passes through the lands of James Lacy, under the same rules and regulations as in the above recited act.

## CHAP. CCCCXLI.

*An ACT to establish election precincts in the counties of Graves and Casey.*

Approved, December 5, 1822.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That all that part of Graves and Hickman counties, lying north of the old county line between Livingston and Caldwell counties, be and the same is hereby erected into an election precinct, to be called and known by the name of the Mayfield precinct, and the qualified voters in said bounds, shall meet at the house of Richard Reiger, on the west fork of Mayfield creek, and vote in all general elections. The county court of Hickman shall appoint judges and clerk to said precinct, who shall be governed, in all respects, as the judges and clerk in the other precinct in Hickman county heretofore established are, and the sheriff of Hickman county, or his deputy, shall attend said elections, and shall meet and compare the polls at the same times and places of comparing them, as is now established by law for said county.

Boundary of  
precinct in  
Graves

Sec. 2. *Be it further enacted,* That all that part of Casey county, in the following bounds, to-wit: Beginning on Green river, where the Adair line crosses said river, thence with the Adair and Casey line, to the Pulaski line, thence with the Pulaski line, so that a west line will include all the waters of the south fork of Green river, and the same course to the Adair county line, thence to the beginning, shall compose an election precinct, and shall be called the South-fork precinct, and the election in the said precinct shall be held at the house of Thomas Doutheat, and the county court of Casey shall

Boundary of  
precinct in  
Casey

appoint judges, clerks, &c. as other courts are directed in similar cases, and the election shall, in all respects, be governed by the same rules, regulations and restrictions, that elections in other cases are.

## CHAP. CCCCXLII.

*An ACT to establish an election precinct in Garrard county.*

Approved, December 5, 1822.

Boundary

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That all that part of Garrard county, included in the following bounds, to-wit: Beginning at the mouth of Boons creek and running thence up the same to Burditts mill dam, thence with the road passing over said mill dam to John Routs lane, thence including the farm of said Rout, to the head of a small branch of Sugar creek, about fifty yards above the Fork Meeting House, on the road leading to Lancaster, thence down said branch to the main waters of Sugar creek, thence down the same to the Kentucky river, including all that part of said county between the above named line and the mouth of Dicks River, shall constitute one election precinct and shall be known by the name of the *Burnt Tavern Precinct*, and the qualified voters in said precinct shall meet at Edmond Smiths, at the forks of the road, for the purpose of voting at all elections.

Judges and clerk

Sec. 2. *Be it further enacted,* That the county court of Garrard shall (at the time of appointing a clerk and judges to preside at elections at the court house) appoint a clerk and judges to conduct the elections in the aforesaid precinct; and if either the judges or clerk should fail to act, the vacancy shall be filled in the manner prescribed by law in similar cases.

Sheriff's duty

Sec. 3. *Be it further enacted,* That the sheriff of said county shall, by himself or deputy, attend and conduct the elections in said precinct,

according to the rules now prescribed by law, and shall on the Thursday succeeding the elections, meet at the court house in said county, and on comparing the polls, shall give a certificate and make the return required by law. *Provided however*, that nothing in this act shall be so construed as to prevent any qualified voter, residing in the boundary of said precinct from voting at the court house in Garrard county, upon taking an oath, if required, that he did not vote in the precinct at the said election.

Providing  
where to vote

## CHAP. CCCCXLIII. .

*An ACT concerning the Bank of Kentucky and the Bank of the Commonwealth of Kentucky.*

Approved, December 5, 1822.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That so much of all laws, as authorise the president, directors and company of the bank of Kentucky, to loan money or discount notes or bills of exchange, be, and the same are hereby repealed.

Charter bank  
Ky. repealed

Sec. 2. The president and directors of said bank for the time being, shall proceed by uniform calls, to collect in the money due said institution, and shall semi-annually declare such dividends between the state and individual stockholders of the funds on hand, in due proportion to the stock owned by each, which will not be required in redemption of their notes: *Provided*, That nothing in this section shall be so construed as to authorise a division of the specie funds of the said bank, until the notes in circulation shall be redeemed by said bank.

How to collect  
debts

Sec. 3. The president and directors of said bank shall receive stock in discharge of the debts due said institution, at such discount as to them may seem just and reasonable; making the proper allowance for bad debts and losses which it is probable said bank may sustain: *Provided however*, if it shall appear upon a final

May receive  
stock for debts

settlement of the concerns of the bank, that any stockholder shall not have received his, her or their due proportion of their stock, such balance shall be paid over to each of them, as may appear to be justly due.

May renew  
notes

Sec. 4. Nothing herein contained shall be so construed as to deprive said bank of the power of renewing all notes and obligations which at this time exist in said bank, or which may be necessarily taken to secure the debts due to said institution ; nor to take away the right of suing or being sued, pleading and being impleaded, according to the terms of the original charter of said bank.

Amount of  
notes to be  
cancelled

Sec. 5. It shall be the duty of the president and directors of the said bank of Kentucky, immediately after the first day of January next, to cause to be cancelled by burning, in the presence of the auditor and treasurer of the state all the notes of the said institution, except such as belong to depositors or may be necessary to pay off the dividends then due, which may at that time be on hand in the principal bank and branches ; having first caused the principal clerk or cashier of said bank, and each of its branches to make out a list of the amount, the dates, number and letter of each description of notes, and transmit said list, together with the notes, to the principal bank to be thus destroyed ; which said list thus made out, shall be sworn to before the county court of the county in which the principal bank and each of its branches are located, by the president and cashiers of said bank and branches respectively, and shall be so certified by the clerks of said courts, and returned to the principal bank for the inspection of the legislature.

May reduce  
expences

Sec. 6. The president and directors of said bank, shall have full power to make all necessary rules and regulations for the reduction of the expences of said institution, and the calls on the debtors to said bank, shall not exceed two percent per month on the present amount, but to be so regulated that all its concerns shall be closed at the expiration of its present charter.

Sec. 7. It shall be the duty of the president of the Commonwealth's bank, and the president of the bank of Kentucky, as soon as practicable after the passage of this act, to require of the presidents of the several branches of their respective banks, to transmit to them, all the notes they hold on the mother bank or its branches belonging to the institution, which notes so received shall be exchanged by the presidents of the principal banks.

Notes of banks  
to be exchanged

Sec. 8. All laws or parts of laws imposing the payment of a tax upon the stock held in the bank of Kentucky, be, and the same is hereby repealed from and after the first day of January next.

Tax repealed

Sec. 9. Nothing in this act contained shall be so construed, as to prevent the president, directors and company of the bank of Kentucky, from purchasing according to existing laws, any real estate which may be sold under order of sale, decree in chancery, or execution, to satisfy any debt or debts due to said bank or its branches, nor to repeal any law which authorises said president, directors and company of the bank of Kentucky, to receive real estate mortgaged to said institution, from their debtors, in discharge of their responsibilities; and said president, directors and company of the bank of Kentucky, are hereby authorised to sell any real estate which may have been acquired by purchase, and for the redemption of which the time shall have expired, and convey the said estate to the purchaser or purchasers, by a deed with warranty against said president, directors and company, and their successors in their corporate capacity; and in all cases where the said president, directors and company shall sell any real estate acquired as aforesaid, they shall retain an express lien by mortgage upon such real estate for the payment of the purchase money, and such other additional security as may to them seem necessary. The said president, directors and company may make such sale upon such credit as may be convenient and to the interest of said institution: *Provided*

May purchase  
real estate

*however*, that such credits shall not extend beyond the time prescribed for the termination and expiration of the charter of said bank.

Sec. 10. This act shall not have effect as to the several branches of the bank of Kentucky, until after the last day of December 1822 ; and it shall be the duty of the president of the principal bank to notify the presidents of the branches of the passage of this act.

Sec. 11. That all stockholders who have heretofore given notice of their intention to withdraw their stock, shall be again put upon the same footing as other stockholders, upon their filing with the cashier of the mother bank a notice in writing of such [being] their wish.

Sec. 12. It shall be the duty of the president and directors of the several branches of the bank of the Commonwealth, to conform to any rule, which the president and directors of the principal bank shall prescribe for the uniform government and management of said institution.

Auditor to  
make an estimate of notes  
&c

Sec. 13. *Be it further enacted*, That the auditor of public accounts be, and he is hereby required to make an estimate of all the money which shall have been paid into the public treasury, from the 29th day of November 1820, till the 10th day of October 1822, for the purchase of vacant lands of the Commonwealth ; also an estimate of all money paid into the treasury, within the period aforesaid, for land warrants, and furnish the same to the president of the bank of the Commonwealth of Kentucky ; and the auditor shall also on the first Monday in November, in the year 1823 make out and furnish to the president of the said bank, an estimate of all moneys received from those two sources, up to that period.

His further duty

Sec. 14. On the second Monday of December 1822, and on the first Monday in November in the year 1823, the auditor shall make out and furnish to the president of said bank, an estimate of all the money which shall have been received for the sale of the vacant land west of the Tennessee.



Sec. 15. That the president of the said bank shall, on the first Monday of January next, in the presence of the directory, and of the auditor of public accounts, and of the treasurer, who are required to attend for that purpose, cancel by burning, in notes of the largest denominations, an amount in the paper of said bank equal to what has been paid into the treasury for vacant lands, for land warrants, what has been received for the sale of lands west of Tennessee, what was paid into the bank of the Commonwealth at Frankfort, for calls, and what has been received by voluntary payments; that before cancelling said notes, the president shall cause to be made out, duplicate lists thereof, exhibiting their numbers and amount, one of which lists shall be retained in said bank and the other filed with the auditor.

To cancel  
notes

Sec. 16. It shall be the duty of the president and directors of the several branches of the bank of the Commonwealth of Kentucky, to make out an estimate of all the money which shall have been paid in prior to the passage of this act, for calls and for voluntary payments; which amount, or so much thereof as shall not have been reloaned, they shall remit to the cashier of the mother bank in Frankfort, in notes of the largest denominations then on hand, as soon as practicable after the passage of this act. The presidents of said several branches shall cause to be made out duplicate lists of the notes, shewing their number and amount thus remitted, one of which lists shall accompany the notes thus remitted, and the other be retained in the branch.

Duty of branch  
banks

Sec. 17. That the presidents of the said branch banks shall, also, on the first days of January, April, July and October in the year 1823, cause to be made out estimates of the notes received as aforesaid, with lists as aforesaid, and within fifteen days after the said first days of January, April, July and October, transmit the amount received with duplicate lists to the mother bank.

Sec. 18. That the president of the bank of

Further duties  
in cancelling  
notes

the commonwealth shall, on the first Monday of February, the first Monday of June, and the first Monday of November in the year 1823, in the presence of the directory, and of the auditor of public accounts and treasurer, proceed to cancel, by burning, all the paper of said bank which shall have been received from time to time, as aforesaid: *Provided however*, that there shall not be a grater sum of the paper of said bank cancelled by burning, than seven hundred and fifty thousand dollars, prior to the meeting of the next legislature.

## CHAP. CCCCXLIV.

*An ACT providing for copying certain records in the Surveyor's office of Fayette county.*

Approved, December 6, 1822.

Preamble

WHEREAS, it is represented to the present General Assembly, that many of the records of entries and surveys, in the Surveyor's office of Fayette county, are in a mutilated condition, and without alphabets, so that they are almost useless to the community: Therefore,

Surveyor of Fayette to copy certain books of entries and surveys to be designated by the county court

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall be the duty of the surveyor of Fayette county, to copy such of said books as the county court may be of opinion, require it, and make out alphabets to the several books in his office, which are without them.

To make report to the county court

Sec. 2. The surveyor shall procure well bound books and copy the books that may be designated by the court, as soon as practicable; and after he shall have discharged said duty, he shall make report thereof to said court, whose duty it shall be to appoint a commissioner who in conjunction with the surveyor, shall compare the said copies with the original records; and when so examined and their correctness ascertained, they shall make out a certifi-

Court to appoint commissioners to examine the books

cate of the same, and deposit it in the surveyor's office.

Sec. 3. The surveyor shall be allowed for the books furnished, and \_\_\_\_\_ for copying, and the commissioner for examining, the sum of two dollars per day, which shall be certified by said court, to the auditor of public accounts, who shall issue his warrant on the treasurer for the same.

Surveyors and commissioners compensation

Mode of payment

Sec. 4. The copies made out as aforesaid, shall have the same force, credit and validity, as the said originals had ; and that any copy or copies therefrom, duly attested, according to the ordinary forms of law, by the surveyor, shall have the same force, credit and validity, which any copy or copies of records now have.

Copies from said books authorised and declared legal evidence

## CHAP. CCCCXLV.

*An ACT for the benefit of the widow and heirs of Benjamin True.*

Approved, December 6, 1822.

**WHEREAS**, it is represented to the present General Assembly, that Benjamin True, of the county of Mason, died seized and possessed of one hundred and eleven acres of land, lying in said county, and also of some slaves, and judgment having been obtained against the representatives of the said True, for about one thousand dollars, which, including interest and costs, amounts at present to thirteen hundred dollars and upwards ; and whereas it is represented that it would be beneficial to the widow and heirs of the said decedent, that the said land should be sold for the payment of the debt, in preference to selling the slaves : Therefore,

Recital

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the judge of the Mason circuit court, sitting as chancellor, upon application by bill of the widow and heirs of the said True, shall be authorised to decree and order a sale, either public or private, of the said one hundred and eleven acres of land, un-

The circuit court of Mason authorised to decree a sale and conveyance of a tract of land for the payment of the

debts of the decedent under such restrictions, and in such a manner as may best secure the rights and interests of the creditors and heirs of the said decedent.

# CHAP. CCCCXLVI.

*An ACT for the benefit of the widow and heirs of William Chinn.*

Approved, December 6, 1822.

Recital

WHEREAS, it is represented by the petition of the widow and heirs of William Chinn, deceased, that he died possessed of a tract of 81 acres of land in Fayette county, one half of which belonged to his wife, in her own right, that the personal estate is exhausted, and the estate in debt, and that it would redound to the interest of the widow and heirs, to have the land sold: Therefore,

The Fayette circuit court authorised to decree a sale & conveyance of a tract of land belonging to the estate of the deceased  
Proviso

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That it shall, and may be lawful, on the petition of the widow and heirs, (the infants by their guardian) being filed in the Fayette circuit court, to decree a sale of the said tract of land, or any part thereof—*Provided,* That the statements of the petition, are supported by the affidavits of competent witnesses, and that the judge shall be of opinion that a sale will redound to the interest of the estate.

Commissioner to be appointed to make conveyance

Sec. 2. It shall be lawful for the court to appoint a commissioner to make a sale and conveyance of said land, and which conveyance shall vest in the purchaser a complete title in fee simple.

# CHAP. CCCCXLVII.

*An ACT for the benefit of the infant heir of James Shannon.*

Approved, December 6, 1822.

Recital

WHEREAS, it is represented to this General Assembly, that James Shannon, sen. Jo-

seph Wilcox and James Shannon, jr. held a joint interest in a small tract of land, containing one hundred and fifty acres, which land is broken, and of little value, and that a saw mill has been erected thereon, which is now in a state of decay and unprofitableness, that the said James Shannon, jr. departed this life intestate, leaving an infant child, his sole heir; that his estate is in debt, and there not being sufficient personal estate to discharge the same, it is represented to this General Assembly that it would be to the interest of said heir, that the interest of his said ancestor in said land should be sold: Wherefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That it shall and may be lawful, on a petition in writing, setting forth the facts, signed by the guardian of said infant, being filed in the circuit court of Shelby, for said court to decree a sale of the interest of said infant heir in said tract of land: *Provided however,* That the statements set forth in said petition, be supported by the affidavit of a competent witness or witnesses.

The circuit court of Shelby authorised to decree the sale & conveyance of the interest of said infant in a tract of land

## CHAP. CCCCXLVIII.

*An ACT for the benefit of Constant A. Wilson and others.*

Approved, December 6, 1822.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the following claims be paid out of any money in the Treasury not otherwise appropriated, to-wit: To Constant A. Wilson, forty-six dollars, for his portion of the contingent expenses for fixing on scites for the seats of justice for the counties of Graves and Calloway, for surveying in laying off the towns, and making out plats thereof.

Allowances out of the treasury to Constant A. Wilson,

To Reuben Ewing and George H. Briscoe, the sum of ten dollars each, for contingent expenses in fixing on said scites.

Reuben Ewing & G H Briscoe,

To William Peck, the sum of thirty-seven

Wm. Peck

dollars and fifty cents, paid by him for apprehending a certain John Duncan, a felon, who escaped from the jail of Mason county.

## CHAP. CCCCXLIX.

*An ACT for the benefit of Joseph Hufford.*

Approved, December 6, 1822.

Recital

WHEREAS, it is represented that Joseph Hufford, is together with four others, entitled by devise from Daniel Hufford, deceased, to a small tract of land in Bourbon county, that his portion thereof is only six and a fourth acres, that he is an infant, and it would redound to his interest, if the same could be sold: Therefore,

The circuit court of Scott authorised to decree a sale and conveyance of the interest of the applicant in a tract of land

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That it shall, and may be lawful, on the petition of the guardian of said infant, setting forth the facts, being filed in the Scott circuit court, for said court to decree a sale of the interest of the infant in the tract of land devised as aforesaid, in such manner, and upon such terms as the court may be of opinion, will be most conducive to his interest: *Provided,* That upon the statements being supported by the affidavits of competent witnesses, the court shall be of opinion that a sale thereof, will redound to the interest of the infant.

Proviso

The court to appoint a commissioner to make the conveyance

Sec. 2. It shall be lawful for said court to appoint a commissioner to make the sale upon such terms as may be decreed, and to execute a deed to the purchaser, for and on behalf of said infant, and which conveyance shall pass the title as completely as if the infant was of full age and to make it himself.

CHAP. CCCCL.

*An ACT for the benefit of the heirs of Claiborne Walton deceased.*

Approved, December 6, 1822.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the county court of Barren county be, and it is hereby authorised to appoint three commissioners, to sell the Grist and Saw Mill and twenty four acres of land attached thereto, belonging to the heirs of Claiborne Walton, deceased, at a credit of one, two, three, four and five years.

County court of Barren may appoint commissioners to sell the land of deceased.

Sec. 2. *Be it further enacted,* That the commissioners shall, before they act, give bond with sufficient penalty, and security to the said county court, for the faithful discharge of their duty, and for the payment of the sale money when collected, to those entitled thereto.

Commissioner to give bond.

CHAP. CCCCLI.

*An ACT for the benefit of the wife and children of Lawrence Flournoy.*

Approved, December 6, 1822.

WHEREAS, it is represented to the present General Assembly, by the petition of the wife and children of Lawrence Flournoy, (who is a lunatic) that he is the owner of five hundred acres of land in Franklin county, on the waters of Benson, that the land is not of much value, except for its timber, which is trespassed on continually; that it be much more advantageous to the estate if it was sold, Therefore,

Recital.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That it shall and may be lawful, on a petition in writing setting forth the facts, signed by the wife and children of said Flournoy, (those under age by their guardian) together with his committee; being filed in the Franklin circuit court; for said court to decree a sale of said tract of land in such manner and upon such terms as the

The circuit court of Franklin authorised to decree a sale & conveyance of a tract of land of L. Flournoy

Proviso.

court may deem most conducive to the interest of said estate—*Provided*, that the statements set forth in the petition are supported by affidavits of disinterested commissioners.

To appoint commissioners to make the deed.

Legal efficacy hereof.

Sec. 2. It shall be lawful for said court, if the judge shall be of opinion that a sale should take place, to appoint a commissioner to make the sale upon such terms as may be decreed, and to execute a deed or deeds, with special or general warranty to the purchaser, for and on behalf of the said Flournoy; and which conveyance shall to all intents and purposes, vest in the purchaser as complete a title as if the said Flournoy was sane and had executed the conveyance.

## CHAP CCCCLII.

*An ACT for the better regulation of the town of Cadiz, in Trigg county.*

Approved, December 6, 1822.

Preamble.

WHEREAS, it is represented to the present General Assembly, that there has been no special law, passed heretofore for the regulation of the town of Cadiz in the county of Trigg, that some doubts have arisen, as to the legality of the establishment of said town, and that it is necessary some special law be passed for the better regulation, and legalising the establishment of the same.

Proceedings of county court valid.

Sec. 1. *Be it therefore enacted by the General Assembly of the Commonwealth of Kentucky,* That all proceedings of the county court of Trigg, establishing said town of Cadiz, and the additions thereto of Baker and Reynolds, shall be, and the same are hereby declared legal and valid in law, to all intents and purposes, and that the said town together with the said addition be, and the same are hereby united and established into one town, agreeably to the metes and bounds thereof, as established by the said county court and there of record, to be known and called by the name of Cadiz.



Sec. 2. *And be it further enacted,* That the present trustees of Cadiz, shall continue in office as trustees of said town until the first Monday in May next, at which time, and on the first Monday in May annually thereafter, all free white males of the age of twenty one years or upwards, who are inhabitants of said town, or owners of lots within the limits thereof, are hereby authorised and required to meet at the court house in said town, and elect five trustees, who shall be freeholders in said town, and who shall before they enter on the duties of their office, take an oath well and truly to discharge the duties of their office as trustees, without favor, affection or partiality, which said oath shall be administered to them by some justice of the peace, and returned to and recorded and preserved by the clerk of said trustees. That said trustees shall appoint the time and places of their meetings, to be held in said town, as often as to them may seem necessary for the internal policy thereof, but that they shall hold one stated meeting in each month, at which it shall be their special duty to attend. That a majority of said trustees, shall at all times be sufficient to constitute a board for the transaction of any business which they may be authorised to do.

Present trustees remain in office until 1st May.

To be annually elected & how.

Oath.

To appoint time of meeting.

Majority to constitute a board.

Sec. 3. *And be it further enacted,* That the said trustees shall annually at their first meeting, appoint a president and clerk of their board, who shall continue in office for one year, and until another be duly appointed and qualified in their places ; but for good cause said clerk may be removed at any time, and another appointed. And the clerk of said trustees shall before he enters on the duties of his office, take an oath to be administered by the president of the board, that he will to the best of his skill and ability make true entries of the proceedings of said board, and that he will safely keep the books and papers given him in charge, and shall moreover acknowledge himself to be responsible to the said board of trustees and their successors, for any neglect or malfeasance in office, an en-

Trustees to appoint president & clerk.

Clerk to take oath.

His duty.

try of which oath and acknowledgment shall be made on the journals of said board, and the clerk of said board is hereby authorised to administer the necessary oath or oaths to all persons coming before the said board to give testimony.

Election to be held by clerk and president.

Sec. 4. *And be it further enacted,* That the elections for trustees shall be held and conducted by the clerk of said trustees, under the direction of their president who shall be then in office, that it shall be the duty of said clerk to give ten days previous notice of the time of holding such election, by advertisement at the front door of the court house, and at least two other of the most public places in said town; and shall also advertise at the said door of the court house, within three days after such election, a true statement of the polls, which shall be a sufficient notice to the persons elected, whose duty it shall be to take the oath of trustees, and form a board within twenty days after said election. And it shall moreover be the duty of the clerk of said board of trustees, to record in the journal of their proceedings, a true statement of the election, certified under his hand previous to the meeting of the new board, and shall deliver to their clerk when appointed and qualified, all books and papers in his possession, belonging to the former trustees. And the clerk of said board of trustees is hereby authorised to administer all necessary oaths to the persons offering to vote for trustees, in order to ascertain their right to vote under this act.

Further duties of the clerk.

Vacancy of trustees how filled.

Sec. 5. *And be it further enacted,* That in case a vacancy shall happen in the said board of trustees by death, resignation, refusal to act or otherwise, between the general election for trustees for said town, the remaining trustees or a majority of them shall as soon thereafter as convenient, meet at their usual place of meeting, and supply such vacancy, which shall be entered of record in the journal of their proceedings. And the said trustee or trustees so appointed, shall possess the same power and qualifications as those elected at the general

election, and shall continue in office until the next general election, and no longer.

Sec. 6. *And be it further enacted*, That said trustees shall have power to enact all such bye-laws, ordinances and regulations as they may deem necessary for the good government and police of said town ; *Provided*, the same be not inconsistent with this act, or contrary to the laws and constitution of this state. The said trustees shall have full power and authority to impose a tax annually, not exceeding the sum of one hundred dollars, on the titheables and property, real and personal, within the said town, in any manner they may deem the most equitable, to be by them applied to such purposes as they may deem most conducive to the interest and well being of said town. The said trustees shall have power to appoint a commissioner for taking in a list of each individuals property, both real and personal, for the purpose of laying said tax ; and it shall be the duty of said commissioner before he enters on the duties of his office, to take an oath before a justice of the peace, that he will to the best of his skill and ability, without favor, affection or partiality discharge the duties enjoined on him as commissioner, and shall immediately and without delay, call on each person whose property in said town shall be subject to pay tax, for a list of his or her property, and such as he or she may superintend for the true owner, to the truth of which list the person giving in the same shall make oath before said commissioner, whose duty it shall be to value the property so listed, and affix the valuation thereof in the said list, and any person or persons who shall hold property in his, her or their own right, or as agent for another, and shall fail or refuse to give in a list thereof, or shall give in a false or fraudulent list, shall be subject to pay a fine of ten dollars, to be recovered before a magistrate in the name of said trustees, and applied to the use of said town. And said commissioner shall make a return of said lists of taxable property to said board or their clerk, within two months

Trustees have power to enact bye-laws &c.

To impose tax

Power to appoint a commissioner to take in lists of property.

Commissioner to take oath

His duty.

Penalty on persons failing to list their property.

Further duty of commissioner.

after his appointment, or on his failure shall be subject to pay a fine of twenty five dollars, recoverable and to be applied as aforesaid. *Provided however*, that any person who may think himself aggrieved by the valuation of such commissioner, may appeal to the board of trustees at their next meeting, who if they see cause, may reduce such valuation.

**Proviso.** *Sec. 7. And be it further enacted*, That when the trustees have laid and assessed the taxes on the property valued as aforesaid, they shall appoint a collector of the same, whose duty it shall be to collect and account for, and pay over the same to the clerk of said trustees, or such person as they may appoint to receive the same, within three months after a list thereof shall have been put into his hands, deducting therefrom such compensation as the board of trustees shall agree to allow him. And if any person shall refuse to pay the tax due from such person, the said collector shall have power to seize and sell so much of his or her property as will be sufficient to make the sum due from him or her as tax, in like manner as collectors of revenue are directed to do in cases of delinquencies. *Provided however*, That the said collector shall before he proceed to business, give bond in the penalty of at least double the amount of tax to be collected, payable to said trustees and their successors in office, with two good and sufficient securities, which bond shall be conditioned for the faithful discharge of the duties of his office ; and should he fail to comply with the conditions of said bond, the county court of Trigg county, which is hereby specially authorised and empowered for that purpose, may on application or motion of said trustees, (ten days previous notice having been given) give judgment and award execution against said collector and his securities, for any sum or sums unaccounted for by him, with ten per centum damages on the same, together with costs.

**Trustees to appoint a collector.**

**His duty.**

**Power of collector.**

**Collector to give bond.**

**Condition.**

**Judgment may be entered on bond.**

*Sec. 8. And be it further enacted*, That the trustees shall appoint a surveyor or surveyors of the streets and allies of said town, whose du-

ty it shall be to call on all males of the age of eighteen years or upwards in said town, to work on the said streets and allies, whenever he may deem it necessary ; and every person failing to attend with proper tools for the purpose, or who shall refuse to work under the direction of said surveyor, or find some person equally able to work in his room, provided he hath one days notice, shall pay the sum of one dollar and twenty five cents per day for such time, to be sued for by the surveyor in the name of said trustees before a justice of the peace, and applied to the use of said town. And the inhabitants of said town shall not be compelled to work on any road more than one half mile out of the limits of said town. The said trustees shall have power to cause all nuisances or obstructions, in the streets of said town, to be removed at the cost of the party occasioning them, and shall recover the amount of the expence of such removal from such person or persons by warrant before a magistrate, provided the party or parties will not remove such nuisance or obstructions, after having received notice so to do.

Trustees to appoint surveyor of the streets &c.

Penalty on persons refusing to work.

Further power of trustees.

Sec. 9. *And be it further enacted*, That any person who shall be guilty of running or racing a horse or horses in the streets, playing or shooting at long bullets, or shooting at a mark within said town, shall for every such offence, if a white or free person, be subject to a fine of five dollars, and if a slave shall be whipt at the discretion of a justice of the peace, with any number of lashes not exceeding fifteen. That said fine shall be sued for before a justice of the peace in the name of said trustees, and applied to the use of said town. Any fines imposed by or under this act, on an apprentice, infant or ward, shall be paid by their master, farther or guardian, and execution shall issue against them for the same.

Penalty on persons racing, shooting &c. in town.

Sec. 10. *And be it further enacted*, That the trustees of said town shall have full power, upon the purchaser or purchasers of any lot or lots within said town producing to them an order or a receipt from the proprietor of said town, or any

Trustees to make deeds.

of its additions, or from the commissioner of the sales of the donation land in said town, specifying the amount of the consideration money paid for any such lot or lots, to convey the same by deed in fee simple to such purchaser or purchasers, or to his or their assignee, which deed or deeds shall effectually convey and vest the title thereof in such purchaser or assignee. That all deeds heretofore made by the trustees of said town, in conformity with this act shall be good and valid to all intents and purposes.

Deeds heretofore made, valid.

Trustees have power to inflict fine for a breach of by-laws.

Sec. 11. *And be it further enacted,* That said trustees shall have power to inflict a fine not exceeding ten dollars, for each and every breach of their ordinances or bye-laws, to be sued for by them before a justice of the peace, and applied as other fines under this act. That there shall be no replevy allowed on any fine imposed under or by this act, and it shall be the duty of the officer issuing execution for the same to endorse on said execution that "no security of any kind shall be taken."

Further power of trustees.

Sec. 12. *And be it further enacted,* That the trustees of said town shall possess all the powers and authority invested in the trustees of towns by the act passed the 19th December 1796, entitled "an act concerning the establishment of towns," and the several acts amendatory thereto; and the said trustees, and the said town, shall in all respects be governed by the provisions of the before recited act, and the said acts amendatory thereto, where the provisions of the same are not superceded by this act.

### CHAP. CCCCLIII.

*An ACT for the benefit of Silas Payne, John Tyler and their wives.*

Approved, December 6, 1822.

Recital.

WHEREAS, it is represented to the present General Assembly, that Silas Payne, one of the children of Sandford Payne deceased, is possessed of title, by devise from his said ancestor

to seventeen acres and a quarter of land in Fayette county, on which there are no buildings—and to eighteen acres and three quarters of unimproved land, in Montgomery county; that said Silas and his wife Sarah S. Payne, are under the age of twenty one years, and desire by themselves and Edward Payne, the guardian of said Silas, that a law may pass authorising the sale and conveyance of the said tracts of land, in order that thereby, the said Silas may be enabled to provide a home for himself and family; and it appearing that he can make an advantageous sale thereof: Therefore,

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the said Silas Payne be, and he is hereby authorised and empowered by and with the advice and consent of his said guardian, to sell the said tracts of land, and together with Sarah S. Payne, his wife, to convey the same to the purchaser or purchasers—which when done shall be binding on them and their heirs.

Silas Payne and wife authorised to sell and convey certain lands descended to him from his father.

And whereas it further appears that Charles Reavill, in his lifetime conveyed to his daughter Sally, a certain half acre lot of ground in the town of Danville, that the said Sally is still an infant, under the age of twenty one years, that she has intermarried with a certain John Tyler, who in conjunction with his wife has sold said lot to Jeremiah Fisher, and has received the consideration therefor, but cannot make a conveyance for the same owing to the minority of said Sally: Therefore,

Recital.

Sec. 2. *Be it further enacted*, That the said John Tyler and Sally his wife be, and they are hereby authorised to make a conveyance to said lot, and the same when made, shall be as good and valid as if the said Sally was an adult at the time of making the same.

John Tyler and wife authorised to convey a certain lot in Danville.

CHAP. CCCCLIV.

*An ACT to establish a Ferry on the land of James Riddle.*

Approved, December 6, 1822.

Recital.

WHEREAS, it is represented that the establishment of a ferry across the Ohio river, on the land of James Riddle, would conduce greatly to public convenience : Wherefore,

Ferry established across the Ohio in Campbell co'ty on Riddle's land.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That a ferry across the Ohio river, to the shore on the opposite side, be, and the same is hereby established, on the land of James Riddle, in the county of Campbell, at a point, fifty-six and one quarter poles below a white oak tree, standing on the bank of the Ohio river, corner to said Riddle and Kennedy's heirs.

To be regulated and governed by the general laws regulating ferries.

Sec. 2. *Be it further enacted*, That the said James Riddle, his heirs and assigns, shall keep the requisite craft, for the transportation of passengers, wagons, carriages, &c. in good order, and shall attend to the same, according to the rules and regulations now in force, in relation to ferries across the Ohio river in this commonwealth, and shall charge and receive the same fees for transportation, now allowed by law for the like services, at the other ferries above alluded to.

CHAP. CCCCLV.

*An ACT allowing additional Justices of the Peace in certain counties.*

Approved, December 6, 1822.

Additional justices of the peace commissioned for Logan,

Christian,

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That there shall be appointed and commissioned according to law, one additional justice of the peace for the county of Logan, to reside in the town of Russellville ; one for the county of Christian, to reside within the bounds of captain John Mitchum's company ; one for the county of



Lawrence, to reside on Rockcastle creek, or Lawrence,  
the Tug-fork of Sandy river in said county; Rockcastle,  
one for the county of Rockcastle, to reside with-  
in the bounds of captain Laver's company  
one for the county of Lincoln, to reside in the Lincoln,  
town of Stanford; one for the county of Har-  
din, who shall reside in the neighborhood of Hardin,  
Meeting creek meeting-house; one for the  
county of Breckenridge, to reside in the town of Breckenridge,  
Hardinsburg; one in the county of Todd, who Todd,  
shall reside in the neighborhood of John Arm-  
strong, within the bounds of captain Samuel  
Armstrong's company; one in the county of Adair, and  
one in the county of Hopkins, to reside in the Hopkins coun-  
ties.  
the bounds of captain John Allen's company.

Sec. 2. *Be it further enacted,* That the coun-  
ty of Henderson shall be entitled to sixteen jus- Henderson  
tices of the peace, and no more, two of whom county entitled  
shall reside in the town of Henderson, and one to 16 justices  
north of Green river, any law to the contrary of the peace.

Sec. 3. There shall not be more than eigh-  
teen justices of the peace, hereafter, commis- And Floyd to  
sioned in and for the county of Floyd: *Provided* 18 only.  
*however,* That nothing herein contained,  
shall operate the vacation of the office of any  
justice, who now holds a commission in said  
county.

## CHAP. CCCCLVI.

*An ACT for the relief of the heirs of Israel Thompson.*

Approved, December 6, 1822.

WHEREAS, it appears to the present General Assembly, that Israel Thompson, deceased, by Robert Breckenridge, a duly qualified deputy surveyor of Jefferson County, on the sixteenth day of July, one thousand seven hundred and eighty four, caused to be executed, a survey for three thousand acres of land, in the then county of Jefferson, on Mill creek and its

Recital.

waters, and that such survey was duly admitted to record, in the surveyor's office of Jefferson county, and that the original plat and certificate of survey, was delivered to Christopher Greenup, deceased, by Isaac Hite, deceased, about the year one thousand seven hundred and eighty-seven, to have the same registered in the land office ; but that the said Greenup hath failed to register the same ; and that the plat and certificate of survey hath become lost or mislaid, so that the register refuses to issue a grant upon a copy of such plat, notwithstanding the heirs of said Thompson have a right under the existing laws, to register said plat; were it not lost; For remedy whereof,

The register authorised to receive and register an attested copy of a plat and certificate of survey and issue a grant thereon to said heirs.

Proviso.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky;* That the Register of the Land Office be, and he is hereby authorised and directed to receive and register an authenticated copy of said plat and certificate of survey, and to issue to the heirs of said Israel Thompson, a patent thereon, under the same rules and regulations as are prescribed by law, in cases where the original plats are registered: *Provided however,* That the same shall not effect any prior claim or claims of any person or persons whatsoever.

## CHAP. CCCCLVII.

### *An ACT for the relief of certain Sheriffs.*

Approved, December 6, 1822.

Recital.

WHEREAS, it is represented to the General Assembly of the Commonwealth of Kentucky, that James Blue, deputy sheriff for Daniel McKinney, sheriff of Union county, received from, and receipted to the Auditor of Public Accounts, a list of persons with their taxable property, for the year one thousand eight hundred and nineteen, who had removed from the several counties to the county of Union, together with such land as had been returned without having made the tax due thereon, amounting to

twenty-one dollars twenty-three cents; and that said sheriff failed, within the proper time, to make oath to, and return the delinquents contained in said list: Therefore,

**Sec. 1.** *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That said sheriff shall be allowed until the first day of June next, to make oath to, and return the delinquents contained in said list; and upon the same being returned properly certified, the auditor is hereby directed to allow said sheriff a credit for the same.

Further time allowed the sheriff of Union to make oath to and return a list of delinquents charged with revenue tax.

And whereas, it appears to the General Assembly, that George B. Wilson, sheriff of Butler county, failed to return his delinquent list, according to law, in the year one thousand eight hundred and twenty-one, and has paid into the treasury, all the revenue collectable by him for that year, and obtained his quietus in full for all the revenue due from said county for the year one thousand eight hundred and twenty: Therefore,

Further recital

**Sec. 2.** *Be it further enacted,* That the Auditor of Public Accounts be, and he is hereby directed to receive said delinquent list properly certified, and issue a warrant on the treasury for the amount thereof, which the treasurer is hereby directed to pay.

The auditor to issue a warrant in favor of the sheriff of Butler county for the amount of his delinquent list for 1821.

**Sec. 3.** *Be it further enacted,* That the sheriffs of Caldwell and Livingston counties, shall be allowed until the first Monday in March next, to return the delinquent lists of the sheriff of Hickman county, formerly a part of each of said counties, and which stands charged on the Auditor's books, to the sheriffs of Caldwell and Livingston counties.

The sheriffs of Caldwell and Livingston allowed further time to return the list of delinquents of the sheriff of Hickman.

## CHAP. CCCCLVIII.

*An ACT for the benefit of Augustus Haydon.*

Approved, December 6, 1822.

**WHEREAS,** it is represented that Anthony Gholson, late of Wayne county, departed this

Recital,

life intestate; that he was at the time of his death seized of a small real estate in several distinct parcels, which descended in parcenary, to his representatives, consisting of several children and grand-children, all of whom except Augustus Haydon, have arrived at the age of maturity: that the adults have sold and conveyed their respective portions, and that the portion of the infant Augustus, is falling into decay, and likely to become of little value, owing to his incapacity to sell or repair it, and that it would be greatly to the advantage of the said infant, if it were sold, and the proceeds beneficially applied: Wherefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the circuit

The circuit court of Wayne authorised on certain terms to decree a sale of the estate of said infant.

court of Wayne authorised, in its chancery capacity, upon the petition of the said infant by his guardian *ad litem*, filed in that court, setting forth the matters aforesaid, and praying a sale of his aforesaid portion; and upon the matters thereof being verified by affidavits or other proof, to the satisfaction of the court, to decree and order the sale and conveyance of his aforesaid portion, and direct the proceeds thereof to be applied, or vested in a manner most beneficial, upon a view of all the circumstances, to the said infant. Regard is to be had by the chancellor, in any decree or order which he may make in the case, to the interest of the creditors of the said Gholson, (if any there should be) as well as to that of the said infant.

## CHAP. CCCCLIX.

*An ACT for the benefit of the sheriff of Rockcastle county, and for other purposes.*

Approved, December 7, 1822.

Recital

WHEREAS, it is represented to the General Assembly, that the auditor of public accounts did some time in March last, list with the sheriff of Rockcastle county, from the list of delinquents, twenty nine dollars five cents, the great-

er part on Thomas Taylor, a former resident of Rockcastle county, and the balance on Benjamin Logan a resident of Shelby county, and that said Thomas Taylor has some years since removed from said county, and has no property in said county to make the tax, Therefore,

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the said sheriff of Rockcastle county shall have until the first day of March next, to get the said list of delinquents certified by the county court and make his return to the auditor. Further time allowed the sheriff of Rockcastle to return a list of delinquents to the auditor

And whereas, it is further represented, that the sheriff of Rockcastle county did in September last, transmit in person the certificate of election and copy of the polls, from Mountvernon in Rockcastle county to Frankfort, seventy five miles. Mountvernon being the place designated by law for comparing the polls in the fourth congressional district; and the auditor of public accounts has refused payment for conveying said certificate and polls, Therefore, Further recital

Sec. 2. *Be it further enacted,* That the auditor of public accounts is authorised and directed to issue his warrant on the treasury, for thirteen dollars sixty cents, in favor of the sheriff of Rockcastle county for conveying and transmitting said polls. Allowance to the sheriff of Rockcastle

Sec. 3. That the county court of Ohio, be authorised to receive and certify a list of delinquents, against whom fines were assessed and which should have been collected in the year one thousand eight hundred and twenty, when applied to by the sheriff of said county, and that the paymaster of the forty ninth regiment of Kentucky militia and credit him therewith. Provision in favor of the sheriff of Ohio county

Whereas, it appears that Elijah Adams late sheriff of Green county, has by mistake paid into the treasury of this state, the sum of eighty seven dollars thirty cents more than by law he was bound to do : And whereas Nathan Montgomery late sheriff of Adair county, has also paid into the treasury the sum of nine dollars thirty seven and a half cents through mistake, Therefore, Recital

The auditor directed to issue his warrant in favor of the sheriff of Green and Adair for certain sums of money paid by them into the treasury

**Sec. 4. *Be it further enacted,*** That the auditor of public accounts shall draw his warrants on the treasurer of this state, in favor of said Adams, for the sum of eighty seven dollars thirty cents, and in favor of said Montgomery for the sum of nine dollars thirty seven and a half cents which the treasurer shall pay out of any money in the treasury not otherwise appropriated.

Further recital

And whereas, it hath been represented to the present General Assembly, that the court of assessment for the twenty eighth regiment of Kentucky militia, sat on the same day with the Bracken county court, in the month of November, one thousand eight hundred and twenty two, being the day appointed by law for receiving the claims of said county, and the sheriff of said county being compelled to attend at said court for the purpose of making oath to his return of delinquent revenue, whereby he was prevented from attending the said court of assessment for the purpose of making oath to his list of delinquent fines : For remedy whereof,

The sheriff of Bracken allowed further time to make oath to and return his list of delinquents for militia fines

**Sec. 5. *Be it further enacted,*** That it shall and may be lawful for the said sheriff of Bracken county to make his return of delinquent fines to the county court of said county, at their December term, and upon making oath thereto, the said court shall cause the same to be certified to the paymaster of said regiment, provided upon examination, the said court shall conceive that the said sheriff has not had it in his power to collect the same—which list, when thus certified, shall be credited to the said sheriff in the same manner, as though it had been sworn to before, and certified by the order of the court of assessment of said twenty eighth regiment.

CHAP. CCCCLX.

*An ACT to establish the county of Morgan.*

Approved, December 7, 1822.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky.* That from and after the second Monday in March next, all that part of the counties of Floyd and Bath, contained in the following boundary, to-wit: Beginning opposite the mouth of the North fork of Licking river, thence with the dividing ridge between Beaver and Black-water creeks, to the Indian Valley, thence with the Montgomery county line to the Estill county line, thence running with the Estill county line to the Perry county line, thence with the Perry county line to a point so as to run a straight line to include Reuben Patrick's farm, and strike Licking river at the ford between Mason Williams' and James Prather's, where the state road crosses, thence down Licking river to the mouth of the state road fork, thence up the state road fork to a large left hand branch, known by the name of the Twenty-two mile branch, thence up said branch to the dividing ridge between the waters of Licking and Sandy rivers, thence with said ridge to the Lawrence county line, thence with the Lawrence county line to the Greenup county line, thence with the Greenup county line to the Fleming county line, thence with the Fleming county line to Licking river, thence up Licking river to the beginning, shall be one distinct county, called and known by the name of Morgan.

Boundaries of  
the county.

To be called  
Morgan.

Sec. 2. That the justices of the peace of said county shall meet at the house of Edward Wells in said county, on the second Monday in March next, and after taking the necessary oaths of office, and after qualifying their sheriff according to law, they shall proceed to appoint a clerk, to whose permanent appointment all the justices of the peace in and for said county shall concur. But if such majority cannot be obtained in favor of any one candidate, then the court shall appoint one pro tem.

The justices  
to meet at E.  
Wells' in  
March to qual-  
ify sheriff, ap-  
point clerks,  
&c.

**Sec. 3.** The county court shall be held on the second Monday in every month, except the months in which the circuit court shall be holden for said county. And the circuit court shall be holden for said county of Morgan, on the Mondays succeeding the Pike circuit courts in the months of May, August and November, and shall be attached to the eleventh judicial district.

Times of holding county & circuit courts.

To compose a part of the 11th judicial district.

**Sec. 4.** The circuit courts of the counties of Floyd and Bath, and the justices of the peace therein shall have jurisdiction, over all matters of law and equity instituted prior to the time this act takes effect.

The courts of Floyd & Bath to retain jurisdiction of causes originating prior to 1st March.

**Sec. 5.** It shall be lawful for the sheriffs of the counties of Floyd and Bath to collect all fines and monies, and to execute all law process, writs and executions as the law directs, which may be put into their hands previous to the time this act takes effect, and account for the same as if this act had not passed.

The sheriffs of Bath & Floyd to collect fines taxes &c. execute process in said bounds

**Sec. 6.** The county of Morgan shall appoint a commissioner or commissioners of the tax for the year one thousand eight hundred and twenty three, who shall perform all the duties and be governed by the laws regulating commissioners of the tax; and the clerk of the county court shall in like manner perform his duty in relation thereto.

County court to appoint commissioners of the tax for 1823

Duty of the commissioners and clerk

**Sec. 7.** That Joseph R. Ward, Andrew Rule, John Harris and William Stratton of the county of Floyd and Noble Barnes of Bath county, and Jesse Noland of Estill county be, and are hereby appointed commissioners to ascertain and fix upon a suitable place for the permanent seat of justice for said county, who shall meet at the house of Edward Wells on the first Monday in March next, in said county for that purpose, a majority of whom shall be present agreeing upon the place, shall report to the next county court to be holden for said county; and it shall be the duty of the said court as soon as practicable thereafter to cause the necessary public buildings to be erected, and in every other respect lay off and do that which may be necessary

Commissioners appointed to fix the seat of justice

When and where to meet

Their duty

County court to cause the necessary buildings to be erected &c



or which may be required by law in the establishment of towns.

Sec. 8. The commissioners appointed under the provisions of this act, shall receive the sum of two dollars per day for the time they shall be necessarily engaged in the discharge of the duties required of them by this act, to be paid out of the first money that comes into the hands of the sheriff of said county as county levy.

The amount and mode of paying the commissioners.

Sec. 9. The county and circuit courts for said county shall be continued to be holden at the house of Robert Craig until the necessary public buildings are erected.

Courts to be held at R. Craig's until the county buildings are erected

Sec. 10. The collectors of the county levies of the counties of Floyd and Bath, shall on or before the first day of January one thousand eight hundred and twenty four, pay over to the county court of Morgan, their agent or attorney all monies by them collected or which they may have a right to collect as county levy for the year one thousand eight hundred and twenty two, and collectable in the year one thousand eight hundred and twenty three, from the citizens of that part of Floyd and Bath counties included in Morgan county, after receiving a credit for all delinquents allowed by their respective county courts, and for all other monies said courts may direct them to pay over to any person entitled thereto, a certificate of which shall be given by the clerks of said courts which shall be evidence in settlement with the county court of Morgan county, their agent or attorney, and the said collectors shall be allowed to retain in their own hands the same commission for collecting as is now allowed by law.

The sheriffs of Bath & Floyd to pay over the county levy collectable in said county for 1922 to the county court of Morgan

Mode of making settlement. &c

Sec. 11. The voters in the county of Morgan shall vote as heretofore until the apportionment of the next representation.

Voters in said county to vote with Floyd & Bath as heretofore

CHAP. CCCCLXI.

*An ACT to amend the law adding a part of Logan county to the county of Todd.*

Approved, December 7, 1822.

Recital

WHEREAS, it is represented to the present General Assembly that an act approved the fifth day of December one thousand eight hundred and twenty-one, in adding a part of Logan county to the county of Todd, was through some mistake, contrary to the petition praying for a part of Logan county to be added to the county of Todd, and has caused much dissatisfaction among the people, leaving out some of the petitioners who reside in the south end of the county, and adding many more in the north who never petitioned, and are much aggrieved; For remedy whereof,

The division line between said counties designated & established

Suits against the citizens of the parts of said counties stricken off or added may be prosecuted as heretofore

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky.* That from and after the first day of February next, the division line between the counties of Logan and Todd, shall be as follows, to-wit: Beginning at the twenty-five mile marked tree, on the great road leading from Hopkinsville to Russellville, ten miles from Logan court house, thence a direct line to Thomas Morrow's, and from thence a direct line to John Small's leaving said Morrow's and Small's dwelling houses in the county of Logan, and thence from said Small's, south seven and one half degrees east, to the Tennessee state line; and from the aforesaid twenty-five mile marked tree, running north seven and one half degrees west, to the Muhlenburg line: *Provided, however,* That any suit or suits depending before any judicial tribunal, in law or equity, against any person or persons, in the counties of Logan or Todd, on or before the first day of February next, as the case may be, that might be stricken off, or added to either of the aforesaid counties, may be proceeded in, prosecuted and defended as heretofore, in the courts of said counties of Logan and Todd; and the sheriffs and other officers of Logan and Todd counties, who may

have on the first day of February next, any process whatever in their hands, directed to them, to execute against any person or persons, as aforesaid, shall execute the same and make due return thereof, and shall collect all taxes, county levies, officers fees, fines and amercements, which may on said day, be in their hands, to be collected in the same manner as if this law had not passed.

Process to be executed, taxes, fines, executions, &c. to be collected

Sec. 2. That it shall be the duty of the surveyors of the counties of Logan and Todd, as soon as it may be practicable, to run and mark the line directed by this act, between the counties of Logan and Todd, and make out two fair plats thereof, and return one of them to the clerk of the county court of Logan, and the other to the clerk of the county court of Todd, to be by them recorded in their respective offices, who shall be paid for their services in running said line and executing the plats, a reasonable compensation out of the county levy of Todd, to be ascertained and allowed by the county court.

The surveyors of Logan and Todd to run and mark the line

To make report to their respective county courts

Their compensation and mode of payment

## CHAP. CCCCLXII.

*An ACT authorising a Lottery for the purpose of erecting a House in Lexington, for the use of the Medical School.*

Approved, December 7, 1822.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall, and may be lawful for Robert S. Todd, Richard H. Chinn, Jno. C. Richardson, jr. Will. A. Leavy and Robert R. Barr, to raise by way of Lottery, in one or more classes as to them may seem expedient, any sum not exceeding twenty-five thousand dollars, to be appropriated in the erection of a medical college in the town of Lexington, for the use and benefit of the Professors in the medical department of Transylvania University: and the said managers, or such of them as may think proper to act, shall before*

Managers

May raise a sum not exceeding \$25,000

Managers to  
give bond and  
security

they enter upon the duties assigned them by this act, enter into bond with good and sufficient security, in the county court of Fayette, to be approved by said court, in the penalty of fifty thousand dollars; which bond shall be made payable to the Commonwealth of Kentucky, conditioned for a faithful discharge of the duties enjoined on them by this act, and may be sued on in the name of the Commonwealth of Kentucky, for the use and benefit of any person or persons injured by a breach of the conditions of said bond—and it shall be the duty of said managers, within ninety days after the completion of the drawing of said Lottery, to pay to the fortunate person or persons, or to his, her or their order, all such prize or prizes as may be due, agreeably to the scheme which they may agree upon and publish: *Provided however*, That such scheme shall not reserve more than twenty per cent. Said managers shall have the right to appoint a clerk or clerks, and any other officers necessary to conduct said Lottery, all of whom shall, before they enter upon the respective duties assigned them by the managers, take an oath before some justice of the peace, faithfully and honestly to discharge the same.

Prizes to be  
paid in 90 days  
after drawing

Not more than  
20 per cent to  
be reserved

Clerk &c to be  
appointed

Managers to  
pay money a-  
rising from  
said lottery in  
90 days

*Be it further enacted*, That the said managers shall, within ninety days after the drawing of said lottery, or any class thereof, pay over to the Dean of the medical faculty of the Transylvania University; all sums of money which may be due in consequence of the drawing of said lottery, after all prizes shall have been paid.

Managers au-  
thorised to sell  
the scheme

*Be it further enacted*, That the said managers shall be, and are hereby authorised to sell and dispose of the scheme, or any class or classes of said lottery, to any person or persons, who shall comply with the terms and conditions of this act, at any sum not less than ten per cent on the amount of any class or classes which may be proposed to be drawn.

*Be it further enacted*, That the Dean of the medical faculty, shall give bond in the county

court of Fayette, with good and sufficient security, payable to the Commonwealth of Kentucky, conditioned for the faithful application of the amount by him received, to the objects and purposes intended by this act.

Dean of medical faculty to give bond

### CHAP. CCCCLXIII.

*An ACT to amend an act entitled, "An act regulating endorsements on executions.*

Approved, December 7, 1822.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That all contracts in writing entered into after the first day of May next, for the express payment of any sum, in gold or silver, shall be enforced in all the courts in this commonwealth, according to the terms thereof.

Contracts made after 1st day of May for express payment of gold or silver to be enforced accordingly

Sec. 2. *Be it further enacted,* That a replevin of three months only, shall be allowed to the defendant, in any judgment pronounced upon any such contract ; and if the plaintiff in any such judgment, shall endorse upon the execution issued thereon, that notes on the bank of the commonwealth of Kentucky, or on the bank of Kentucky, will be received in discharge thereof, there shall be no replevin thereof ; and the clerk or justice of the peace shall endorse thereon, that no security of any kind shall be taken.

A replevin of three months only to be allowed on judgments rendered on such contracts Where plaintiff will endorse to take bank notes no replevin is to allowed

Sec. 3. *Be it further enacted,* That the provisions of this act shall not be construed to apply to any case, in which any bank, or other corporation, shall be plaintiff, or in any manner, directly or indirectly, interested ; nor to any bond or recognisance, executed or acknowledged before any magistrate or court of this commonwealth ; nor to any note, bond or other writing, which may be executed in consideration of any debt, or other liability, which now exists, or shall have existed, anterior to the first day of May, notwithstanding the written evidence

Not to extend to any bank or other corporation or to recognisances

Or to any writing executed in consideration of debts now existing

of such liability may have been destroyed and a new written contract thereafter executed.

Statement to be recorded with judgment that it is rendered on contracts expressly for gold or silver.

Sec. 4. *Be it further enacted*, That it shall be the duty of any tribunal, which may pronounce judgment upon contracts of the description aforesaid, to connect with the enrollment of such judgment, a statement that it was rendered upon a written contract for the express payment of the amount thereof, in gold or silver, executed posterior to the aforesaid first day of May ; and the clerk or justice of the peace shall make a similar endorsement upon any execution that may issue thereon.

Clerk or justice of the peace to endorse that no security of any kind is to be taken.

Sec. 5. *Be it further enacted*, That the clerk or justice of the peace shall endorse on the execution which may issue upon such replevin bond, taken under the provisions of this act, that, no security of any kind shall be taken ; and all

Property taken by execution to be sold for what it will bring in gold or silver.

property of every kind taken by virtue of such execution, shall be sold for whatever it will bring in gold or silver, any law to the contrary notwithstanding.

## CHAP. CCCCLXIV.

*An ACT providing for paying the Commissioners under the compact with Virginia.*

Approved, December 7, 1822.

Preamble.

WHEREAS, the General Assembly for the Commonwealth of Kentucky, has ratified the articles of convention agreed upon by Henry Clay and Benjamin W. Leigh, on the fifth day of June, one thousand eight hundred and twenty-two, and under the compact between Virginia and Kentucky, have unanimously chosen Hugh L. White of Tennessee, and Jacob Burnet of Ohio, esquires, commissioners on the part of Kentucky ; and it now becomes necessary to provide by law, the manner of paying the commissioners : Therefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the treasurer shall pay over to Henry Clay and John

Rowan, the sum of six thousand dollars, on their warrant on him for that amount, in specie or United States paper, out of which they shall pay the commissioners on the part of Kentucky, the respective sums they, or either of them may be entitled to receive. The surplus shall be appropriated to defraying such contingent expenses as may be found necessary, in conducting said mission.

\$6000 appropriated to pay the commissioners and defray contingent expenses, to be placed in the hands of H. Clay and J. Rowan.

## CHAP. CCCCLXV.

*An ACT to appoint Trustees to the town of Mountvernon, and for other purposes.*

Approved, December 7, 1822.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That Lewis Snap, Craven Payton, Joel Maynard, William Barnes and Moses C. Hough, are hereby appointed trustees to the town of Mountvernon in the county of Bullitt, and may serve in that character until the first Monday in December next.

Trustees:

Sec. 2. That on the first Monday in December next, there shall be an election to be holden at the house of Joel Maynard in the town of Mountvernon aforesaid, and every successive year thereafter, to elect five trustees for said town, who are to have and to be vested with the same powers their predecessors had, and that each male inhabitant is and shall be competent at and after the age of twenty one years, of said town to vote for trustees.

Election to be held annually for trustees in December.

Powers of trustees.

Sec. 3. That the trustees appointed and to be elected as aforesaid, shall be vested with full powers to pass such bye-laws as they may think expedient for the proper regulation of said town, that are not contrary or inconsistent to the constitution and laws of this state.

Further powers.

Sec. 4. That the trustees in the town of Shepherdsville are hereby authorised and empowered to levy a tax on and collect from each of the proprietors of the lots in said town, any

Trustees of Shepherdsville to levy and collect tax.

To build a market house and to keep streets in repair.

sum not exceeding ten dollars per annum, and the amount raised from the levy and collection aforesaid, is to be applied by the trustees aforesaid to the building of a market house in the town of Shepherdsville, and to make smooth, level and keep in good order the streets and alleys of said town.

Power to fine for obstruction in streets, &c.

Sec. 5. That the trustees aforesaid are hereby authorised, or a majority thereof, to levy any fine they may think proper, not exceeding two dollars, on any person for every twenty four hours he, she or they will put or suffer to be put any obstructions in the streets or alleys of said town.

To pass bye-laws to compel pavement of streets.

Sec. 6. That the trustees aforesaid, or a majority thereof, are authorised to pass a bye-law to constrain the proprietors of the lots in Shepherdsville to make a pavement all along the front of their lots, of stone or brick, and to extend from the lines of said front, ten feet in the streets of said town, and in case of failure thereof, by the proprietors aforesaid, the trustees aforesaid are empowered to levy a fine on and exact from said proprietors, any sum not exceeding ten dollars per year, and the amount so levied and raised is to be applied to the pavement of the streets aforesaid in the way and manner described in and by this act.

## CHAP. CCCCLXVI.

*An ACT making copies of patents evidence in certain cases.*

Approved, December 7, 1822.

Preamble.

WHEREAS, it is represented to the present General Assembly, that in many cases, patents have issued on military warrants, and other claims, which have regularly been recorded and delivered, but in recording of which, the former registers of this state have omitted to record the names of the respective Governors who signed them, and it is now doubted wheth-



er copies of such patents are proper legal evidence : Therefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That it shall be the duty of the Register of the Land Office in such cases, when copies of patents are applied for, to examine the original surveys in his office filed, and if it shall appear therefrom, that the papers were filed six months before the patents issued, and by the endorsements on said plats, that the patents have regularly issued, and shall also appear by the marginal notes of his records, that the same have been delivered, and to whom delivered, and that the name of the governor has been omitted, owing to accident, or clerical neglect, to make out for any person, requiring the same, copies of any such patents, affixing thereto the name of the governor for the time being at which they issued, which copies shall be as good and valid in courts of law and equity, as if the name of the governor had been originally transcribed on the books of the register.

Copies of patents recorded without the signature of the governor who signed them, may be admitted as evidence and the register authorised to attach the name of the governor signing the same to such copies.

## CHAP. CCCCLXVII.

*An ACT to repeal so much of any law as authorises a chancery term to be held in November, in the county of Logan, and to allow chancery terms to be held in Barren and Warren.*

Approved, December 7, 1822.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That so much of any law of this commonwealth, as authorises a court to be held in the county of Logan, on the fourth Monday in November, in each year, for the trial of chancery causes, shall be, and the same is hereby repealed.

Logan chancery term in November repealed.

Sec. 2. That an additional term of the Warren circuit court shall be held on the fourth Monday in November, in each year, to be exclusively appropriated in trying and taking preparatory steps in chancery causes, which

Chancery term allowed to Warren on 4th Monday in November.

term shall continue six juridical days, should the business require it.

Chancery term to be held in Barren.  
 The time for holding the same to be fixed by the judge

Sec. 3. That it shall be the duty of the judge of the Barren circuit court to hold a term in said circuit, exclusively for the trial and taking preparatory steps in chancery causes, to commence on the fifth or first Monday in any month between February and December, which the judge of said court may designate, and to continue six juridical days, if the business require it. and it shall be the duty of the judge of the said Barren circuit court to designate the time of the commencement of said term by an order to be entered of record at the common law term of said court, next preceding the holding the chancery term, by this section authorised to be held: *Provided however*, That nothing in this section contained, shall be so construed as to allow the judge of the said Barren circuit court to designate a time for holding the chancery term herein authorised, so as to interfere with the holding of any circuit court within his judicial district as now required by law.

Judge to designate the term the court preceding.

Proviso.

Not to prevent the trial of chancery causes at other terms or interfere with the county courts.

Sec. 4. That nothing in this act shall be construed to prevent the trial of chancery causes at the ordinary terms of said courts as now allowed by law, or to prevent the county courts of the counties of Barren and Warren, from being held in those months in which chancery courts may be held, as directed by this act.

Subpoenas may be made returnable to any day of term.

Sec. 5. That it shall be lawful to make *subpoenas* returnable to the first or any other day of the courts authorised to be held by this act, in the same manner, and with the like effect as they are now returnable by law to the ordinary terms of the circuit courts for said counties of Barren and Warren respectively.

CHAP. CCCCLXVIII.

*An ACT for the benefit of the widow and heirs of William Findley.*

Approved, December 7, 1822.

WHEREAS, it is represented to the present General Assembly, that William Findley of Mason county, died seized and possessed of one hundred and seventy acres of land in said county; and that it would be advantageous to the widow and heirs of said decedent, if the said tract of land were disposed of, and the proceeds invested in other lands: Therefore,

Recital.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the judge of the Mason circuit court, is authorised in its chancery capacity, on the petition of the widow and heirs of the said William Findley, deceased, to decree and order a sale either public or private, of the said one hundred and seventy acres of land, and to appoint commissioners for the purpose of carrying the same into effect, and also for applying the proceeds of the sale, to the purchase of other and more desirable lands, in such a manner as shall best secure the interest of the widow and heirs of the said decedent: *Provided however,* That nothing in this act shall be so construed as to prejudice the rights of any creditor of the said decedent, or of any other person.

The circuit court of Mason authorised to decree a sale & conveyance of certain lands of the decedent's.

Proceeds to be applied to the purchase of other lands.

Proviso.

CHAP. CCCCLXIX.

*An ACT to establish an election precinct in Logan county.*

Approved, December 7, 1822.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That all that part of Logan county in the following bounds to wit: Beginning at the intersection of the Simpson County line with the Tennessee state line, thence with the Simpson county line opposite to the widow West's, thence a direct

Bounds of the precinct.

Elections to be held at R. Ewing's.

County court to appoint judges and clerk to election.

Proviso.

line, including said West's, to Hickman's mill, thence a direct line to Reuben Check's old tavern, on the Nashville road, thence a direct line to Smith Loffland's or the Todd county line, on that direction, thence with the Todd line to the Tennessee state line, and with said line to the beginning, shall compose an election precinct, and shall be called the Adair precinct; shall be held in the town of Adairsville, at the house of Robert Ewing, and the county court of Logan, shall appoint judges, a clerk, &c. as other courts are directed, in similar cases, and the election shall, in all respects, be governed by the same rules and regulations and restrictions, that elections in other precincts are. *Provided also*, That any elector within the bounds of said precinct, may vote at the courthouse in said county of Logan, provided he may think proper.

## CHAP. CCCCLXX.

*An ACT for the benefit of the heirs of Elijah W. Dulaney, deceased.*

Approved, December 7, 1822.

Recital.

WHEREAS, it is represented to the General Assembly of the Commonwealth of Kentucky, that Elijah W. Dulaney departed this life intestate, leaving two infant children, Matilda F. and Catharine Ann Dulaney, and that Lucy H. Dulaney, their mother, since the death of their father, has been, by the Boone county court, appointed their guardian; that previous to the death of Elijah W. Dulaney, he exchanged two lots of land with a certain William N. McCoy, lying in the county of Boone, and state aforesaid, in which he had the fee simple title, the lot number one, containing twelve acres and a half, and bounded as follows: Beginning at a beech and buck-eye, corner to William Hamet, thence south forty-five degrees east, fifty-one poles to a sugar-tree and beech, thence north seventy-seven degrees east, thirty

nine poles, to a beech, thence north forty-five degrees west, seventy-three poles, to a dead beech, thence south forty-four degrees west, thirty-two poles, to the beginning: lot number twelve, containing thirteen acres, and bounded as follows: Beginning at a stake, thence north forty-five degrees west, thirty poles, to a sugar tree, thence north forty-five degrees east, seventy-four poles to Philip Craig's line, thence south twenty-seven degrees east, thirty poles, to a stake, thence south forty-five degrees west, sixty-six poles, to the beginning: For the same quantity of land, which from its situation and connexion with his other lands, renders the lands exchanged for, of greater value to the infants, than that given for it: and whereas it is further represented, that the said infants have no writings, evidencing the exchange, by which they could compel a conveyance, and the said William N. M'Coy is represented as willing to convey the lands he was to have given in exchange, provided any one should be legally authorised to convey to him, the aforesaid described lots, agreeable to his contract made with Elijah W. Dulaney in his lifetime: Therefore,

*Sec. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That Lucy H. Dulaney, be, and she is hereby legally authorised and empowered to convey by deed in fee simple, the lots in the preamble to this act, to the said William N. M'Coy, which deed or deeds, when so made, shall convey all the right, title and interest which the said Elijah W. Dulaney had in and to the same, as completely and effectually, as if he was yet living, and to have made the said deed or deeds himself: *Provided however,* That said Lucy H. Dulaney shall not make the conveyance, until the said William N. M'Coy shall simultaneous convey to the said infant heirs of Elijah W. Dulaney, the land contracted by him to convey to their father, in exchange for the lots aforesaid.

*Sec. 2.* That nothing in this act shall be so

A conveyance of certain lands of the decedent authorised to be made in pursuance of a sale made by the deceased.

Proviso.

Conveyance construed as to effect the rights of any of the not to effect creditors of said Elijah W. Dulaney. the rights of creditors.

## CHAP. CCCCLXXI.

*An ACT to increase the number of Justices of the peace in Harlan county.*

Approved, December 7, 1822.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the county of Harlan shall be entitled to three justices of the peace, in addition to the number heretofore allowed to said county, who shall be appointed and commissioned, according to the laws now in force.*

## CHAP. CCCCLXXII.

*An ACT imposing a duty on sales at Auction in the county of Fayette, for the benefit of the Law department of Transylvania University.*

Approved, December 7, 1822.

No person to exercise the office of auctioneer in Fayette county unless he obtains a licence from the county court. Penalty for acting as such without licence

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky, That no person shall hereafter exercise the business or trade of an auctioneer, for the sale of goods, wares or merchandise, whether dry goods or groceries, within the county of Fayette, unless he shall have previously obtained from the court of said county, a license therefor: and any person who shall hereafter act as such without having first obtained a license, and having given the bond hereinafter required, shall be fined the sum of five hundred dollars for every such sale at auction.*

Auctioneers to make out statement of sales made at auction or otherwise.

Sec. 2. *That every auctioneer licensed as aforesaid, shall on the first day of April next, and at the expiration of every three months thereafter, deliver a true and complete statement of the amount of sales made at auction or otherwise, by him as an auctioneer or under his*

direction, specifying particularly in such statement, the date and amount of each days sale, and the names of the persons owning said goods, to the judge of the third judicial district, which statement shall be verified by oath before the said judge, and delivered by him to the chairman of the board of trustees of Transylvania University : and the said auctioneer shall at the same times, pay to the treasurer of the board of trustees of said University, two dollars for every hundred dollars of the purchase money arising from said sales.

Statement to be sworn to.

Shall pay to treasurer of T. University 2 per cent on such sales.

Sec. 3. That at the time of obtaining the license from said court, the person applying shall enter into bond, with approved security, to the commonwealth, conditioned that he will render the statement and pay over the money according to the second section of this act, and shall also take an oath before the clerk, that he will truly and faithfully execute the business of an auctioneer, and in every respect comply with the provisions of this law, during the term of his license, and if any auctioneer shall fail or refuse to comply with the conditions of said bond, it shall be lawful for the chairman of the board of trustees of Transylvania University, to cause suit to be instituted thereon for the benefit of said University ; and the said auctioneer shall moreover be fined for every such failure or refusal, the sum of five hundred dollars.

Shall give bond and take oath.

Suit may be brought on said bond.

Fined for refusal.

Sec. 4. That the court of Fayette county be, and is hereby authorised to grant the said licenses to such discreet person or persons as they may think proper, for the term of one year only, at the expiration of which time, the said license and bond may be renewed, at the discretion of said court : *Provided moreover*, that nothing in this law shall be construed to require a license in the case of decedents estates, sales under process of any court or judicial officer, or the sale of any thing the manufacture or growth of this state.

Fayette county court authorised to grant license.

Proviso.

Sec. 5. That the fines hereby imposed may be recovered by action of debt, or by motion in

Fines how recovered.

Penalty for swearing falsely.

the Fayette circuit court, in the name of the chairman and trustees of Transylvania University, and if any person shall knowingly swear falsely, in any case, wherein by this law an oath is required to be taken, he shall be adjudged to have committed perjury and shall suffer the pains and penalties thereof, prescribed by the laws of this commonwealth.

Money arising under this law to be laid out in purchasing a library.

Chairman of trustees to make an annual report to the legislature

Sec. 6. That the sums of money which may be received by virtue of this law, shall be appropriated by the said chairman and trustees to and for the law department of said University, for the purpose of procuring a library for the same, and for no other purpose whatever; and the said chairman and trustees shall at the next annual session of the legislature, and at every session thereafter, render to the general assembly, within ten days after their meeting, a true statement, shewing the sums of money received, together with the names of the auctioneer by whom, and the times at which they were paid.

## CHAP. CCCCLXXIII.

*An ACT altering the terms of certain Circuit Courts and for other purposes.*

Approved, December 7, 1822.

Greenup county attached to the 1st judicial district.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That hereafter the county of Greenup shall be attached to the first judicial district, and it shall be the duty of the judge of said district to preside at the circuit courts in said county.

The time of holding the chancery term in Mason c'ty. The time of holding the Lewis circuit and county courts.

Sec. 2. *Be it further enacted,* That the chancery term in Mason county, shall hereafter commence on the third Monday in February and continue twelve juridical days, if the business thereof shall require it. The Lewis circuit court shall commence on the third Mondays in March, June and September, and the county courts of said county shall be holden on the third Mondays in every month except those on which the circuit courts shall sit, from and after



the first day of March next. The circuit courts of Lawrence county shall commence on the Time of hold- ing Lawrence circuit court. Wednesdays after the third Mondays in April, July and October, and continue four juridical days if the business thereof shall require it.— Time of hold- ing Pike cir- cuit court. The circuit court of Pike county shall continue six juridical days if the business thereof shall require it.

Sec. 3. *Be it further enacted,* That all writs, recognisances and process which are or shall be sued out before the first term of either of the said circuit courts as directed by this act, and returnable to the first term of the said courts for the counties aforesaid, heretofore directed by law to be held, shall be returnable and returned to the first term of the several courts as directed by this act to be held. And there shall be no discontinuance of any suit, writ, process or motion depending, or to be made, or issued in the said courts by reason of the alteration made by this act, in the terms of holding said courts. Writs, &c. re- turnable to the courts as formerly held, made return- able to said courts as di- rected by this act to be held.

## CHAP. CCCCLXXIV.

*An ACT to incorporate the Trustees of the Augusta College.*

Approved, December 7, 1822.

**Preamble**  
WHEREAS, it hath been represented to the present General Assembly; That the conferences held for the Methodist Episcopal Church, in the states of Kentucky and Ohio, have determined upon establishing an extensive seminary of learning in the western country; to the support of which, they are pledged to use their utmost and undivided efforts, and from which, no student is to be excluded in consequence of his religious opinions or the religious opinions of his parents, relations or guardians; and that the said seminary of learning shall be conducted upon free, liberal and enlightened principles.

And whereas, it hath been also represented; That in consequence of the trustees of the Bracken Academy having agreed to appropriate the

proceeds of a fund of ten thousand dollars, belonging to said academy, specially for the support of Latin, Greek and English branches of education, to be taught in said seminary of learning : the commissioners on the part of the aforementioned conferences have located the said seminary of learning in the town of Augusta, and county of Bracken, in this state, there forever to remain.

And whereas, the establishment of an institution of this kind, within the state of Kentucky, if conducted on principles, such as are here laid down, will be of great advantage to the citizens of said state, by disseminating knowledge and useful literature, and by introducing into our state, students from Ohio and other states, thereby increasing our pecuniary advantages and intercourse with our sister states : Therefore,

Establishment	Sec. 1. <i>Be it enacted by the General Assembly of the Commonwealth of Kentucky.</i> That a seminary of learning shall be, and the same is hereby established in the town of Augusta, and county of Bracken, to be known by the name and style of the Augusta College, and that the said college shall be founded and maintained forever upon a plan the most liberal, for the benefit of the youth of every class of citizens, and every religious denomination, who shall be freely admitted to equal privileges and advantages of education, and to all the literary honors of the college, according to their merit, under the direction of twenty three trustees, to-wit : James Armstrong, George C. Light, John Todd, Zebulon Harrison, John Armstrong, John Collins, Johnston Armstrong, James Savage, Marcus Lindsey, William Armstrong, Joshua Pigman, Martin Marshall, Richard Collins, John Reynolds, Leroy Cole, Enos Woodard, John Chambers, David Davis, John Meek, Thomas Morris, who together with such others as shall be hereafter named and their successors, shall be trustees of said college, and shall hold their first session on the first Wednesday in May next, at the seat of the said college.
Name,	
P. inc'ples.	
Trustees.	
Time of holding 1st session	

Sec. 2. *And be it further enacted*, That the said trustees and their successors, by the name of "the trustees of the Augusta College," shall be a body politic and incorporate, and as such forever to exist, and are hereby made able and capable in law to have, possess, purchase, receive, enjoy and retain, hold or dispose of, for the use of said college, lands, tenements, rents, annuities, pensions and other hereditaments, in fee simple or for a term of years, life, lives or otherwise, and also money, bonds, bills, notes, goods, chattels, interests or effects, of whatever nature, quality or kind soever, by the gift, bargain, sale or devise of any person or persons, body politic or corporation capable to make the same, and the same to grant, demise, sell, alien, and confirm in such manner as they shall judge most conducive to the interest of said institution. *Provided*, that the rents and profits and proceeds thereof, shall at no time exceed the amount of fifty thousand dollars per annum.

Powers of trustees.

Sec. 3. *And be it further enacted*, That the said trustees and their successors by the name and style of "the trustees of the Augusta College" as aforesaid, shall be capable in law to sue and be sued, plead and be impleaded, in any court or courts of record, before any judge, judges or justices within this state, and elsewhere, in all manner of suits, complaints, pleas, causes, matters and demands of whatsoever kind, nature or form, they be, and all and every other matter and thing therein to do, in as full and effectual a manner as any person, or persons, bodies politic or corporate of like nature within this state may or can do.

Further powers of trustees.

Sec. 4. *And be it further enacted*, That the appropriation made by the trustees of the Bracken academy to said college, of the proceeds of a fund in their hands, of ten thousand dollars, be confirmed to said college, provided the same is applied with good faith to the purposes for which it was appropriated, to-wit: to the support of the Latin, Greek and English branches of education, and that the trustees of the Bracken academy may be assured of the

Appropriation made by B. academy confirmed.

Trustees elected by Bracken academy. faithful application of this fund, and duly and early informed if improperly applied ; John Payne, George Donissham and George W. Mackey, trustees of the said Bracken academy, shall also be, and they hereby are appointed in conjunction with those heretofore named, trustees of the Augusta College, and in case of the death, resignation, removal or refusal to act of all or either of them, as such, the trustees of the Bracken academy shall from their own body elect others to fill the vacancy, as trustees of "the Augusta College," but shall notwithstanding retain their seats as trustees of the Bracken academy.

Power to fill vacancy.

Power to fill vacancy.

Sec. 5. *And be it further enacted*, That in case of the death, resignation or refusal to act of any of the first named twenty trustees or their successors, the trustees of said college shall proceed at their first meeting thereafter to fill the vacancy, thus keeping up the full number of twenty three trustees of said college. And whenever any trustee shall absent himself from three stated semi-annual meetings, without good cause assigned at the fourth, the trustees of said college shall have the power to declare his seat vacant, and upon entering the same upon their minutes, proceed to the election of a trustee to fill such vacancy.

Oath of office.

Sec. 6. *And be it further enacted*, That the said trustees, of the Augusta College, before they enter upon the trust reposed in them, shall severally take the following oath of office, to be administered to them by any justice of the peace of the state of Kentucky, that is to say "I (A. B.) do swear (or affirm) that I will to the best of my skill and judgment, faithfully and truly discharge the duties of a trustee of the Augusta college pursuant to the laws and constitution of the state of Kentucky, the constitution of the United States and the charter granted by the state of Kentucky establishing said college, without favor, affection or partiality—so help me God." And the said trustees shall thereupon have the power to appoint out of their own body a president of the board, a treasurer and a sec-

Appoint president, treasurer & secretary

retary, and the treasurer so appointed, shall give bond with such security and in such penalty as the trustees shall think proper, payable to the commonwealth of Kentucky, for the use of said college, which bond shall by the treasurer and his securities be acknowledged before the clerk of the Bracken county court, and by him certified and recorded in his office, a copy of which shall be evidence against said treasurer or his securities their heirs, executors or administrators in any suit or motion made against them for a breach thereof, and shall be conditioned for the true and faithful discharge of his duty as a treasurer of said college, and for the safe keeping of all monies, bonds, notes, deeds, mortgages, trusts or other property belonging to said college, which shall be put into, or from time to time come to his hands, which bond may be renewed as often as the said trustees may require—and it shall be the duty of said treasurer to receive and safely keep all monies, bonds, notes, obligations or conveyances of real, personal or mixed property belonging to the said college, and shall not pay out any money belonging to said college, unless upon the order of the president countersigned by the secretary—and for any breach of said bond, the said treasurer may be proceeded against before the circuit court of Bracken county, in the same manner as at the time may be lawful against delinquent sheriffs—and the said treasurer shall moreover once in every year, and as much oftener as the trustees may require, render to said trustees an account of all monies in his hands, and all monies by him paid out, stating particularly from whom received and to whom paid—and in case the said treasurer shall fail or refuse to perform any of the duties required of him by this act, the trustees of said college shall have the power to declare his office vacant and proceed to the election of a treasurer to fill such vacancy, to whom the former treasurer shall upon the order of the board, signed and countersigned as aforesaid, pay and deliver over all monies and other property in his hands

Treasurer to give bond.

To be recorded.

Condition

Duty of treasurer

May be sued

Treasurer to report

May be removed

Duty of secretary

belonging to the said college—and it shall be the duty of the secretary to keep a fair record of all the proceedings and orders of the board of trustees, and at the close of every session, lay them before the president for the time being, for his signature ; and moreover, to do and perform all and every other act or acts which by this charter may be required of him or which may be necessary for him to do, for the purpose more effectually, of carrying into execution the powers vested in the trustees of said college.

Duty of president

Sec. 7. *And be it further enacted*, That it shall be the duty of the president of the board to preside at the meetings of the trustees, to preserve order, and put the question upon all subjects which shall come before the board for their decision, and also to do and perform such other act or acts as may be required of him. And in case of his absence, by death, resignation, or refusal to act, the trustees shall proceed to appoint another of their own body, to fill the vacancy ; and in case his absence is only temporary, to appoint one of their body as president pro tem. And all votes given at any meeting of said trustees, shall be *viva voce*.

Power of trustees to have a seal

Sec. 8. *And be it further enacted*, That the said trustees and their successors, shall have full power and authority to have, make and use a common seal, with such devices and inscriptions as they shall think proper, and the same to change, break, alter and renew, at their pleasure, and shall also from time to time and at all times hereafter, forever have full power and authority to constitute and appoint, in such manner as they shall think best, and most convenient, a president and necessary and proper professors, tutors, masters and assistants, for instructing the students and scholars of said college, in all the liberal arts and sciences, and in the ancient and modern tongues and languages ; who shall be severally styled professors of such arts, sciences or languages as they shall be nominated and appointed to teach, according

To appoint president and professor

Their style

to each particular nomination and appointment, and the said president and professors so constituted and appointed from time to time, shall be known and distinguished forever, by the name of "the president and professors of the Augusta College," and in that name shall be capable of exercising such powers and authorities, as the trustees of the said college and their successors shall by their ordinances think necessary to delegate to them for the instruction, discipline and government thereof, and of all the students, scholars and officers belonging to the same.

And name.

Their powers.

Sec. 9. *And be it further enacted,* That the said trustees and their successors, shall meet at least twice in every year, in stated semi-annual meetings to be appointed by their own ordinances, and at such other times as by their said ordinances they may direct in order to examine the progress of the students and scholars in literature, and upon all matters relative to the discipline of the college, and the good and wholesome execution of their ordinances ; in all which examinations, meetings and determinations, a majority of said trustees shall be a quorum, and they shall also have the power and authority at any of their stated semi-annual meetings, to make, pass and establish fundamental ordinances, rules and bye-laws, not contrary to the constitution or laws of this state, as by them shall be thought necessary for the government of said college, and the instruction of youth as aforesaid, and by them to delegate to the president and professors of said college such powers and authorities as they may think best for the standing government of said college, and of the execution of the ordinances and rules of the same ; and the same when made shall, at any stated semi-annual meeting aforesaid, have power to alter, repeal or annul as they may think proper, and shall have power and authority to do all matters and things they in their judgment shall think will promote the interest of the said college, consistent with this charter and not repugnant to the constitution and laws of this state or of the United States : *Provided*

Trustees to meet.

Number to form a quorum

Power to pass bye-laws.

And to alter them.

Provido.

*nevertheless*, that for the sake of securing perpetual peace and harmony between the board of trustees and the board of president and professors, all laws, ordinances, rules and regulations pertaining to the interior regulations and management of the institution, shall be subject to the following provision : the president and professors may suspend any such laws or ordinances made by the board of trustees which they may find to operate injuriously, until a meeting of said board shall take place—But it shall be the duty of the president of the college, immediately to give the president or secretary of the board of trustees, notice thereof in writing, stating the law or ordinance, rule or regulation thus suspended, and the cause of such suspension, and it shall be the duty of the president or in his absence, of the secretary of the board of trustees to call a meeting of said trustees so soon as they can be conveniently assembled, and when so assembled, said trustees shall decide whether or not the ordinance, rule or regulation thus suspended shall be executed or shall stand suspended until the stated semi-annual meeting.

Power to suspend.

Duty of president of college

Trustees may admit gratuitously.

Sec. 10. *And be it further enacted*, That the said trustees and their successors are authorised, so far as their funds may warrant, to admit gratuitously, in whole or in part, as their respective cases may require, such person or persons as they may think proper ; and that the trustees are authorised to receive subscriptions, donations and bequests, either in money, personal, real or mixed property, as a fund to meet the expenditures required in support of the said college, or in effecting this benevolent object, and to take such measures as they may conceive proper to augment said fund.

Shall hold commissions

Sec. 11. *And be it further enacted*, That, for the purpose of animating and encouraging the students of said college, to a laudable diligence, industry and progress in useful literature and science, the said trustees and their successors shall have full power and authority, once in every year, or oftener as they by an ordinance shall



direct, to hold public commencements in the presence of the president and professors, and in the presence of as many gentlemen of liberal education and others as may choose to attend ; prior to which times they shall cause all the students in the said college, to be carefully examined by the president and professors of said college, on the several branches of learning, which they have respectively studied, that the fidelity of the teachers and the diligence of their pupils may appear.

Sec. 12. *And be it further enacted,* That the money, goods and other property belonging to said college, in the state of Kentucky, shall be forever free and exempt from public taxation of every kind whatever.

Shall examine students.

Property exempt from taxation.

Sec. 13. *And be it further enacted,* That this charter and act of incorporation and every part thereof, shall be good and available in all things in the law, according to the true intent and meaning thereof, and shall be construed, reputed and adjudged, in all cases most favourable on the behalf of the said trustees and their successors, so as most effectually to answer the end of this corporation, toward the general advancement and promotion of useful knowledge, science and virtue.

In what manner charter to be construed:

Sec. 14. *Be it further enacted,* That the legislature at all times hereafter, reserve to themselves the power to change, or repeal, the charter hereby granted, and to provide for the election of the officers of said college and also make all necessary rules and regulations for its government, and a proper and just disposition of the funds of said institution, to the objects hereby provided for, whenever it shall to them seem expedient,

Right to repeal or change charter reserved.

CHAP. CCCCLXXV.

*An ACT for the benefit of Martin Beatty and others.*

Approved, December 7, 1822.

Recital.

WHEREAS, it is represented to the present General Assembly, that Martin Beatty, of the county of Pulaski, has been engaged for several years in boring for salt water, at the mouth of Bear creek, on the big south fork of Cumberland river, that he has expended much money and labor in the prosecution of that object, whereby his funds are nearly exhausted; that he has recently obtained salt water, and hopes in a short time to render it useful to the community, and profitable to himself; and in order to effectuate that purpose, is desirous of appropriating some of the vacant land lying contiguous to his said salt well: Wherefore,

Beatty authorised to appropriate 2000 acres of land for benefit of salt works.

Where to lie, &c

Surveys to be made within 1 year

Grants to issue thereon  
Proviso

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the said Martin Beatty be, and he is hereby authorised to cause to be surveyed by the surveyor of Pulaski county, in one or more surveys, any quantity of vacant and unappropriated land, not exceeding two thousand acres, lying in Wayne or Pulaski counties, or opposite said counties, within the boundary reserved for appropriation by this commonwealth, in her compact with Tennessee, and within six miles of said Beatty's salt well, at the mouth of Bear creek.

Sec. 2. *Be it further enacted*, That the said Martin Beatty shall have the privilege of causing the said survey or surveys to be made, at any time within one year from the passage of this act, and of returning the plats and certificates thereof, to the register's office, within twelve months after the same may have been executed, who shall issue patents thereon, as in other cases, without payment of the state price therefor: *Provided however*, That the said survey or surveys shall not include the premises of any actual *bona fide* settler, including one hundred acres around the same: *And provided moreover*, That the title of the said Martin

Beatty, under the survey or surveys aforesaid, shall commence from the making thereof.

Sec. 3. *Be it further enacted*, That Marcus Huling, Andrew Erwin and Peter Simmermon be allowed the further time of two years, from and after the passage of this act, to survey and carry into grant, certain lands reserved to them, for the benefit of salt works, and all the privileges reserved to them, by the several acts heretofore passed for their benefit, shall remain and continue for the aforesaid period of two years, from and after the passage of this act.

Further time allowed Huling &c to comply with the provisions of an act for their benefit

Sec. 4. *Be it further enacted*, That Daniel Trabue, Charles Bennett, Adam Kearns, jr. and Jacob Antle, be allowed the further time of two years from and after the passage of this act, to survey and carry into grant, certain land reserved to them, for the benefit of salt works, and all the privileges reserved to them, by the several acts heretofore passed for their benefit, shall remain and continue for the aforesaid period of two years, from and after the passage of this act.

Further time allowed Trabue & others for the same purpose

## CHAP. CCCCLXXVI.

*An ACT to provide for paying part of the debts due from the Penitentiary.*

Approved, December 4, 1822.

WHEREAS, the Penitentiary institution is indebted to Trevor, Paul, & Co. and James Paul, a large sum of money, for iron furnished by them, by contract with the keeper of said institution, and said Trevor, Paul & Co. and said James Paul are now desirous of receiving a part of said sum in the paper of the Bank of the Commonwealth of Kentucky: Therefore,

Recital

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the auditor of public accounts is hereby directed to issue his warrant upon the treasurer, in favor of said Trevor Paul & Co. and James Paul for five thousand dollars, in the paper or notes of the

\$5000 appropriated to Trevor, Paul & co & J Paul to be charged to the Penitentiary being part of the amount of a

debt due them by that institution. bank of the Commonwealth, which said sum shall be charged to account of the said institution, and said auditor is hereby directed to take a receipt from said Trevor Paul & Co. and James Paul for said sum.

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CHAP. CCCCLXXVII.

*An ACT to amend an act entitled "an act for the benefit of Samuel Lewis.*

Approved, December 7, 1822.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the proviso contained in the first section of the act entitled "an act for the benefit of Samuel Lewis" approved December 11th 1821, be, and the same is hereby repealed, and that William B. Blackburn convey the estate described by the said act, agreeably to the enacting clause thereof, whenever it shall appear to him that the said Lewis has paid the price.*

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CHAP. CCCCLXXVIII.

*An ACT to establish a Lunatic Assylum.*

Approved, December 7, 1822.

Preamble

The consideration of public safety, the well being of society and long experience enforced by the example of other countries, conspire to prove the necessity of providing by law for the care, comfort and safe keeping of persons, mentally diseased and who are of unsound minds. And a full and fair trial having proved that the present laws of this state are highly defective, and are not calculated to aid in the best manner, the restoration and final cure of such persons; and yet are found to be enormously expensive in their operation and rapidly increasing; For remedy whereof,

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky, That a Lu-*

matic Assylum shall be, and is hereby established in this state, which shall be seated in the county of Fayette, near the town of Lexington, and that Richard Higgins, Elisha Warfield and John W. Hunt of the county of Fayette, John Pope, of the county of Washington and William P. Roper of the county of Fleming, be appointed commissioners to purchase, on behalf of this commonwealth, a suitable tract or lot of ground including a spring of never failing water, of not less than ten nor more than twenty acres, for the public purpose aforesaid. The said commissioners shall proceed immediately after the passage of this act, to make such purchase, upon the best terms practicable, and proceed to erect or cause to be erected, suitable and convenient buildings, of stone or brick or both, sufficient for the care and safe keeping of at least two hundred persons, having due regard to their comfort as well as safe keeping. The said commissioners are required to make use of all reasonable despatch in erecting and completing said buildings, and in providing the necessary maintainance with plain cheap lodging for the proposed number of Lunatics, and when provided shall immediately report the same to the executive of this state, whose duty it shall be to make proclamation thereof, giving notice to all committees of Lunatics and also to the circuit courts, that the assylum is ready for the reception of Lunatics ; from and after a day to be named in said proclamation (giving reasonable time) the whole of the laws now in force in this state providing for the care and maintenance and safe keeping of persons of unsound mind shall cease.

Asylum established at Lexington

Duty of commissioners

Further duty of commissioners

The commissioners in making the purchase herein provided for, may select a lot or tract of land with suitable buildings thereon, or partly erected, having due regard to the provisions of this act.

To select lot, &c

The governor may appoint some suitable person as Stewart, to receive and take care of all such Lunatics and such other unsound persons as may be committed to said assylum to com-

Stewart to be appointed

mence so soon as may be necessary, who shall hold his appointment until the close of the next General Assembly thereafter, and shall be allowed at the rate of five hundred dollars per annum, for the time he may be engaged in the faithful discharge of the duties of his station.

Appropriation  
&c Bond to be  
given &c

Sec. 2. The sum of ten thousand dollars shall be set apart and appropriated for the purposes herein specified, to be paid quarterly as the said work progresses, by the treasurer of this state— For the obtaining of which the said commissioners, a majority agreeing thereto, may obtain the auditors warrant, having first entered into bond with security, to be approved of by the Fayette county court, in the penalty of thirty thousand dollars, conditioned for the due and faithful application of the sum herein appropriated.

Report to be  
made to the le-  
gislation

A report of the application and disbursements provided for by this act shall be laid before the next general assembly for their correction and approbation.

Majority to act

Sec. 3. A majority of the commissioners appointed by this act, may perform the duties herein assigned them.

## CHAP. CCCCLXXIX.

*An ACT to amend the several acts relative to the town of Henderson.*

Approved, December 7, 1822.

Power to raise  
\$500

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the board of trustees for the said town of Henderson, shall hereafter have power and authority to raise by taxation, in the manner and form prescribed in the act entitled, "an act for the regulation of certain towns in this commonwealth," in each year, any sum not exceeding five hundred dollars.

Duty of trustees in selling  
lots for taxes

Sec. 2. Whenever any part of the tax, levied upon the property in said town, shall be assessed upon the lots of any non-resident proprie-

tor, it shall be the duty of the trustees of said town, to cause to be advertised in some public newspaper, the amount of tax due on said lot, the number thereof, and the name of the owner, for three months successively ; and if at the expiration of that time, the said tax shall not have been paid, the lot or lots on which the tax is so due and unpaid, shall be forfeited to the said trustees, but may be redeemed at any time within three years, by the payment of triple the amount for which such lot was sold, and double tax for every year the lots may remain unredeemed, with legal interest thereon, and the cost of advertising.

# CHAP. CCCCLXXX.

*An ACT requiring the Auditor of Public Accounts to transcribe certain books and papers in his office.*

Approved, December 7, 1822.

**WHEREAS**, it is represented to this General Assembly, that the books containing the lists of non-residents lands in the auditor's office, from long use, have become mutilated, torn, and defaced, so that in some cases, the real situation of the land cannot be ascertained: For remedy whereof;

Preamble

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the auditor of public accounts be, and he is hereby required to procure new books, and transcribe the same in the manner and form heretofore done.

Sec. 2. *Be it further enacted*, That the auditor aforesaid, be directed to transcribe into a book or books, to be kept for that purpose, all the original entries made by owners or their agents, of non-residents lands, marking and numbering the same with a general index, in order that all the information in relation to the titles of said non-residents lands, be preserved and perpetuated.

What books to be transcribed

**Sec. 3. *Be it further enacted,*** That the auditor of public accounts be, and is hereby allowed, for the services above specified, in the following manner, to-wit: For each line in transcribing the lists of non-residents lands, two cents, and for transcribing the original entries, as specified in the 2d section, one and a half cents per line, for comparing the same, and making out complete alphabetical indexes to the same, and it shall be the duty of the said auditor, when the aforesaid book shall have been completed, to make out his account and present the same to the governor, and if he approve thereof, the auditor shall issue his warrant to the treasurer, to be paid out of any monies in the treasury not otherwise appropriated, the amount so approved.

Repeal as to non-residents, and further duties of auditor in that respect.

**Sec. 4.** So much of the act entitled, an act concerning the sales of non-residents lands for taxes, approved December the 25th, 1820, as requires the lands of non-residents to be advertised as heretofore, be, and the same is hereby repealed, and instead thereof, it shall be the duty of the auditor, when three years tax and interest become due on the lands aforesaid, as provided in the above recited act, to advertise the same for three months successively, previous to the 1st day of November, in the newspaper of the public printer, twice in each month, stating the amount of tax, interest and cost due on each tract, and if the same be unpaid on any tract or tracts of land on the day aforesaid, the same shall stand stricken off to the commonwealth, and all the right, title and interest of such non-residents, shall be thereby vested in the commonwealth; nevertheless the said lands may be redeemed as provided for in the above recited act.



CHAP. CCCCLXXXI.

*An ACT to endow an Asylum for the tuition of the Deaf and Dumb.*

Approved, December 7, 1822.

**WHEREAS**, it is desirable to promote the education of that portion of the community, who, by the mysterious dispensation of Providence, are born deaf and of course dumb, and experience in other countries having evinced the practicability of reclaiming them to the rank of their species, by a judicious and well adapted course of education—it is represented that many of our philanthropic citizens would contribute to promote an object so benevolent and humane, if this legislature would co-operate, by affording pecuniary aid, and designating a mode by which the gratuities devoted thereto could be effectually applied. Therefore,

Preamble

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky.* That the trustees and their successors of the Central College at Danville, shall be, and they are hereby authorised and empowered to receive by legacies, conveyances or otherwise, lands, slaves, money and other property, and the same to retain, use and apply to the education of the deaf and dumb within this commonwealth, to any amount, the interest, profits or proceeds of which, shall not exceed the sum of thirty thousand dollars per annum.

Trustees of Danville college to receive legacies, &c.

The institution shall be located at Danville, in Mercer county, and supported by the donations and legacies of the charitable, by such aid as the legislature may be pleased to afford and by the money to be received for the education of children whose parents, guardians or friends are of ability to pay.

Located at Danville.

The trustees of the Danville College, and their successors in office, shall have power to appoint a teacher or teachers, president, treasurer, and all other officers that they may think necessary, and remove any of them at pleasure, and make such bye-laws as they may think necessary for the interest of said asylum.

Power of trustees.

Committee of Ladies. There shall also be a committee of twelve Ladies, selected by the trustees at their first meeting, and their vacancies filled from time to time, as they may happen from death, removal or resignation, to aid in the management of the asylum, under such provisions as may, from time to time, be prescribed by the bye-laws.

Fund to be managed by trustees & to report to the legislature annually. The funds of the institution shall be under the management of the trustees, subject however, to such restrictions as shall accompany the grant of aid by the legislature ; and it shall be the duty of the trustees for the time being, to present to the speakers of the Senate and House of Representatives, respectively, annually, within the first week of their session, a statement of the funds and expences of the institution, and of the number of children received and educated therein, during the year immediately preceding, and of the parts of the state whence they have come, distinguishing between those who have been supported gratuitously and others.

Provision respecting indigent children. Indigent children resident any where within the state, shall be received into the asylum, maintained and educated gratuitously, so far as the funds of the institution will admit: *Provided*, that where more children shall be offered for the benefit of this institution than can be received at any one time, the trustees shall so apportion their number among the several counties of this commonwealth, according to their representation, when application shall be made, that every county may equally receive the benefits of the same.

Authority to draw a fund from the treasury. Sec. 2. *Be it further enacted*, That in order to aid the funds of the said asylum, the governor is hereby authorised and required to draw his warrant on the auditor of public accounts in favor of the trustees of this asylum, for the sum of three thousand dollars immediately; and moreover, shall draw his warrant on the auditor in favor of said trustees, for the further sum of one hundred dollars for every indigent pupil taught in said asylum, which shall authorise the auditor to draw a warrant on the treasurer.

for the amount directed in the governor's warrant, which shall be paid out of any money in the treasury not otherwise appropriated by law, and charged to the school fund: *Provided* that no one scholar shall be taught at the expence of the state more than three years; and provided also, that the sum so to be drawn from the treasury, for such tuition shall, in no one year, exceed the sum of two thousand five hundred dollars.

## CHAP. CCCCLXXXII.

*An ACT to authorise a lottery for the purpose of draining the ponds in the town of Louisville and adjoining thereto.*

Approved, December 7, 1822.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall, and may be lawful for Thomas Prather, Israel Munroe, John J. Jacob, Charles M. Thruston, Thomas Bullett, James Hughes, Benjamin Lawrence, Robert Breckenridge, Robert Todd, R. S. William Sale, Nicholas Berthoud, Isaac Miller, John Hughes, Matthew Love, Samuel Churchell, James W. Thonberry, John Jones, Aaron Fontaine and David L. Ward, or a majority of them, to raise by way of lottery, in one or more classes, as to them may seem most convenient and necessary, any sum not exceeding the sum of forty thousand dollars, to be appropriated by them, or a majority of them, in draining and causing to be drained, all the ponds of stagnant water in the town of Louisville, and in draining and causing to be drained, all those ponds of stagnant water, which are situated between Louisville and the river, on the west, and between Louisville and the mouth of Salt river, on the south west side of said Louisville, and the said Thomas Prather, Israel Munroe, John J. Jacob, Charles M. Thruston, Thomas Bullett, James Hughes, Benjamin Lawrence, Robert Breckenridge,

Commissioners & their duties & regulations respecting the lottery

Robert Todd, R. S. William Sale, Nicholas Berthoud, Isaac Mäler, John Hughes, Matthew Love, Samuel Churchill, James W. Thonberry, John Jones, Aaron Fontaine and David L. Ward, or such of them as may choose to act, shall before they enter upon the duties and powers hereby created, in the county court of Jefferson county, enter into bond jointly or severally, with security to be approved of by said court, to the Commonwealth of Kentucky, in the penal sum of sixty thousand dollars, conditioned for the faithful discharge of the duties imposed upon them by this act, which bond may from time to time be put in suit, in the name of the commonwealth of Kentucky, by and at the cost of any person or persons injured by a breach thereof, and it shall be the duty of the managers, within eighty days after the drawing of the said lottery is completed, to pay to the fortunate holder or holders of any ticket, or to his, her or their order, or to his, her or their heirs or representatives, all such prizes as may be drawn, agreeably to the scheme which they may have adopted and published. That said lottery may be drawn in the town of Louisville, or at such other place as the aforesaid managers or a majority of them, may deem most expedient, giving due notice of the time and place of such drawing. The aforesaid managers or a majority of them, may appoint two or more discreet persons, who in conjunction with one or more to be appointed by the trustees of the town of Louisville, for the time being, shall superintend the drawing of the tickets of said lottery, whose duty it shall be to see that the same is fairly and impartially drawn. The persons so appointed to superintend the drawing, and such clerk or clerks as the said superintendants may appoint, shall respectively take an oath before some justice of the peace, faithfully to discharge the duties hereby created: and if the said lottery shall not be completed and drawn within three years, from the time the scheme may be adopted and published, the same shall cease and be at an end, and any person or persons who may have

disbursed any money for the purchase of tickets, may demand, and shall be entitled to receive back, all money or monies so disbursed : *Provided*, Such demand be made within twelve months after the expiration of said three years.

Sec. 2. That the said managers or a majority of them, shall have power to employ an engineer, and all such other officers as may be deemed necessary by them, to carry into effect the duties and powers hereby created, allowing such engineer or other officers, such compensation as they may deem proper.

Engineer to be employed.

Sec. 3. That the said managers or a majority, shall first commence draining the ponds in the town of Louisville and its vicinity, and to proceed on to the mouth of Salt river, until the said sum of forty thousand dollars is expended.

Where improvement to be made.

Sec. 4. That the said managers or a majority of them, shall have power to sell and dispose of the whole scheme of the lottery hereby enacted, or any class thereof, so as to raise the sum of forty thousand dollars.

May sell scheme.

Sec. 5. That should any person or persons, the owner or owners of a lot or lots in Louisville, or of a tract or tracts of land, refuse to permit any ditch or conduit, to be cut or made through his, her or their lot or lots or tracts of land for the purpose of carrying into effect the objects of this act, that in such case, any damage which the owners of a lot or tract of land through which a ditch may be cut or conduit made, shall be entitled to compensation in the manner provided for in the case of roads, which damage when ascertained, shall be paid by the said managers out of the said sum of forty thousand dollars, and it shall not be lawful for the said ditch to be cut or conduit made until the damage aforesaid shall be paid.

Provisions where persons owners of lots refuse &c.

Sec. 6. That a majority of the managers aforesaid shall constitute a board for the transaction of business, and should any of the before named persons refuse to act, resign, die or remove, that then and in that case, a majority of those who may choose to act shall appoint other fit persons to fill the places of those who may

Majority of managers may act,

refuse to act and to supply the vacancy of such as may die, resign or remove, and the person or persons so appointed to fill the place or places of those who may refuse to act, die, resign or remove, shall severally give bond as aforesaid in the said sum of sixty thousand dollars, conditioned faithfully to discharge the duties hereby imposed upon them ; any person or persons injured by a breach of said bond may institute an action thereon.

## CHAP. CCCCLXXXIII.

*An ACT making further donations to the Louisville Hospital.*

Approved, December 7, 1822.

Preamble

WHEREAS, it appears that the president and managers of the Louisville Hospital, have in the progress which they have made towards the erection of the necessary buildings, expended the money heretofore devoted by the legislature to that object, without having completed the same, and there is reason to fear that the munificence of the legislature and the charitable liberality of Thomas Prather and Cuthbert Bullet, who generously gave the ground, the former five and the latter near two acres, on which the said buildings are partially erected, may be unavailing for the want of the additional funds necessary to their completion, and this legislature feel an increased conviction, from the occurrences of the current year, of the utility and necessity of that institution: Wherefore,

\$6000 appropriated.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the auditor of public accounts be, and he is hereby authorised and required to issue to the president of that institution, upon his application, a warrant upon the treasury for six thousand dollars, which amount shall be paid by the treasurer to the said president, upon the said warrant.

Sec. 2. That the keeper or agent of the penitentiary be, and he is hereby authorised and required to deliver over to the order of the president of said institution, nails and cut stone of the description and quantity designated in said order as necessary to be used in the buildings aforesaid, not exceeding in value the sum of fifteen hundred dollars.

Articles from the penitentiary.

Sec. 3. That the said president and managers and their successors may take, hold, possess and use as the property of said institution, ten acres of ground in connection therewith, for the use, benefit and convenience thereof.

10 acres of ground.

## CHAP. CCCCLXXXIV.

*An ACT for the benefit of Esther Grimes.*

Approved, December 7, 1822.

WHEREAS, it is represented that Esther Grimes a poor widow of Butler county, is living on a tract of poor land, containing about one hundred acres, and that she is unable to pay for the said land : Wherefore,

Recital.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the register of the land office, issue for said Esther Grimes a warrant for one hundred acres of land, without the state price being paid, which warrant may be located on the land on which she now resides, in Butler county, and none other ; and which shall be expressed in the warrant, and upon a survey being returned, the register shall issue a patent thereon, without any fee : *Provided,* that she shall not have a right to sell the land, but on her death it shall descend to her heirs ; *And provided,* that said survey and the right acquired by her, shall not affect the right of any other person to said land.

The register to issue a warrant in her favor for 100 acres of land.

And to issue a grant upon a return of the survey.

Proviso.

CHAP. CCCCLXXXV.

*An ACT to alter the time of holding certain circuit and county courts.*

Approved, December 7, 1822.

Times of holding the Whitley circuit court.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the circuit court of Whitley county shall hereafter in each and every year, commence on Wednesday succeeding the first Mondays in April, July and October, and continue three juridical days if the business shall require it. And the circuit court of Harlan county shall commence on the third Monday in April, July and October, and continue three juridical days if the business shall require it. And the circuit court of Perry county shall commence on Thursday succeeding the third Mondays in April, July and October, and continue three juridical days if the business shall require it. And the circuit court for the county of Clay shall commence on the fourth Monday in April, July and October, and continue six juridical days if the business shall require it.

Harlan circuit court.

Perry circuit court.

Clay circuit court.

County court of Rockcastle be held on the 1st Mondays of each month.

Sec. 2. That the county court of Rockcastle county shall, from and after the last day of March next, be held on the first Monday in each month, instead of the time now appointed by law, except the months in which the circuit courts are to be held.

Pulaski circuit court to be held on 3d Mondays of April, July and October.

Sec. 3. That the circuit court of the county of Pulaski shall hereafter commence and be held on the third Mondays in April, July and October, and may continue six juridical days if the business of said court shall require it.

Times of holding the circuit courts of Hickman,

Sec. 4. That hereafter the circuit courts of the county of Hickman shall commence on the second Mondays in February, May and November, and may sit three juridical days if the business before them shall so long require it.

Calloway, &

The circuit courts for the county of Calloway shall commence on the Thursdays succeeding the second Mondays in the months of February, May and November, and may sit three juridical days if the business before it shall so long require it.



The circuit courts of Livingston county shall <sup>Livingston:</sup> hereafter commence on the first Mondays in March, June and September, and may sit six juridical days if the business thereof shall so long require it.

The county courts of said counties in this section mentioned, shall sit on the same days of <sup>Times of hold-</sup> each month in which no circuit court is direct- <sup>ing the county</sup> ed to be holden, that the circuit courts are by <sup>courts of Hick-</sup> this act directed to be holden, subject to the <sup>man, Calloway</sup> rules and regulations now prescribed by law. <sup>& Livingston.</sup> *Provided*, that nothing in this act shall be so <sup>Proviso.</sup> construed as to repeal the first section of an act of the present session entitled "an act to establish the county of Calloway."

Sec. 5. The circuit court of Estill county <sup>Estill circuit</sup> shall hereafter be held on the first Mondays of <sup>court to be held</sup> May, August and November in each year, any <sup>on 1st Mondays</sup> law to the contrary notwithstanding. <sup>of May, August</sup> <sup>& November.</sup>

Sec. 6. That all recognisances, bonds and <sup>Regulations</sup> process depending in or issued by either of the <sup>with regard to</sup> aforesaid courts, shall be as valid and effectual <sup>the return of</sup> as they would have been as if this act had not <sup>process, recog-</sup> passed. <sup>nisances, &c.</sup>

## CHAP. CCCCLXXXVI.

*An ACT concerning the Board of Trustees of the town of Columbus, and for other purposes.*

Approved, December 19, 1822.

WHEREAS, it is represented to the General Assembly of the Commonwealth of Kentucky, that Richard Taylor, jr. as treasurer of the board of trustees of the town of Columbus, has retained out of the proceeds of the sales of lots in said town, the sum of four hundred and sixty four dollars and seventy-five cents, to pay various accounts against said trustees, for printing, surveying, &c. and whereas, the several acts in force, relative to the town of Columbus, contain no provisions, regulating the manner of settling and discharging accounts against the trustees of said town: For remedy whereof, <sup>Recital.</sup>

The treasurer of said board directed to pay certain accounts against the trustees incurred in laying off the town out of the money in his hands received for the sale of lots.

Proviso.

The auditor to allow the said treasurer a credit for the sums already paid & hereafter to be paid on that account.

Proviso.

The amount paid by treasurer to any of the trustees of the town for their services to be deducted from the amount allowed them by the act of the present session

**Sec. 1.** *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the treasurer of the board of trustees of the town of Columbus, be, and he is hereby authorised and required to pay and discharge, out of any money in his hands, arising from the sales of lots in said town, all accounts against the trustees of said town, for surveying, printing, chain-carrying, or any other expense necessary and proper, to carry into effect, the acts of assembly concerning the town of Columbus: *Provided however,* That before any account against said trustees, shall be paid by said treasurer, the same shall be allowed by at least two of the trustees, and such allowance certified by them, on the back of the account.

**Sec. 2.** *Be it further enacted,* That the accounts heretofore paid by the treasurer of the board of trustees of said town, amounting to the sum of four hundred and sixty-four dollars and seventy-five cents, when allowed by the trustees of said town, in the manner prescribed in the first section of this act, as well as all accounts hereafter allowed and paid, according to the provisions of this act, shall be received and passed by the auditor of public accounts, and the said treasurer allowed a credit therefor, in accounting for the amount received by him, for the sales of lots. *Provided however,* That nothing herein contained, shall be construed, as hereafter to authorise the treasurer of the board of trustees of the town of Columbus, to pay any account in favor of any trustee of said town, for his individual expenses; and if any trustee of said town has heretofore received from said treasurer, any sum on account of his individual expenses, the auditor of public accounts is hereby required to deduct the sum so received by such trustee, out of the sum allowed for the services of such trustee, by virtue of an act entitled, an act for the benefit of the trustees of the town of Columbus, approved December the third, one thousand eight hundred and twenty-two.

CHAP. CCCCLXXXVII.

*An ACT to direct the Sheriff of Harlan to pay over certain monies and for other purposes.*

Approved, December 10, 1822.

WHEREAS, it is represented to the present General Assembly, that in the year one thousand eight hundred and eighteen, the commissioner of the tax for Knox county, listed the taxable property for the county of Harlan and returned his book to the Knox county court, and whereas the clerk of the Knox county court in the year one thousand eight hundred and nineteen, put into the hands of the sheriff of Harlan county the amount of the revenue and county levy to be collected in the said county of Harlan and took his receipt for the same, and the said sheriff of Harlan county having refused to pay over to the county court of Harlan, the county levy by him collected in consequence of his having receipted for the same to the clerk of the Knox county court: For remedy whereof,

Preamble.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That Benjamin Harris, the said sheriff of Harlan county be, and he is hereby directed, on or before the first day of May next, to settle with and pay over to the county court of Harlan county, the amount of the levy by him collected, in said county, for the year one thousand eight hundred and eighteen.

The sheriff of Harlan to pay over to the c'ty court the levy collected in 1818.

And whereas, it is further represented that no law exists which contains any provision for running the line between the said county of Harlan and Knox county, and that in consequence of which, great difficulties exists and many inconveniences have accrued: For remedy whereof,

Sec. 2. *Be it further enacted,* That Abner Lewis of Harlan county and William M. Bledsoe of the county of Knox be, and they are hereby appointed commissioners, whose duty it shall be, on or before the first day of June next to survey and run the line between the said counties, from the mouth of straight creek to

Commissioners appointed to run the division line between the counties of Harlan and Knox.

the Tennessee line, five miles west of the Cumberland Gap. And the said commissioners shall have power to employ two chain carriers and a marker who shall be allowed for their services, one dollar per day. And the said commissioners shall be entitled for their services, four dollars per day each, the whole to be paid jointly by the said counties of Knox and Harlan, out of their respective county levies.

Sec. 3. *Be it further enacted*, That it shall be the duty of the said commissioners to make a report to their respective county courts at their first term after the duties enjoined upon them by this act shall have been performed.

## CHAP. CCCCLXXXVIII.

*An ACT for the establishment of a state road from Lexington to Ghent on the Ohio River.*

Approved, December 10, 1822.

WHEREAS, it is represented to the present General Assembly that the public will be much benefitted, by a road being opened from Lexington to Ghent on the Ohio River, opposite the town of Vevay, in Indiana, to unite with the state road leading to Indianapolis, the seat of government of said state.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That David Thompson and Alexander Bradford of Scott county, Cyrus Wingate and Reuben Adams of Owen county, John Thompson and Jesse Lindsey of Gallatin county be, and they are hereby appointed commissioners who, or a majority of them, after being first sworn before some justice of the peace, shall view and mark a way for a road, the nearest and best practicable rout from Lexington by the Great-Crossings, and with said road to the farm of Charles Williams, thence by the Stamping-Ground, thence by Lindseys Station to Owington, thence by New-Liberty to Ghent in Gallatin county ; and it shall be the further duty of said commis-

sioners; so soon as they shall have completed the viewing and marking said road, to lay it off into convenient sections or precincts, and shall make report of their proceedings, with the probable number of hands necessary for the immediate opening said road, to the next court of their respective counties.

Commissioners to make report to their respective county courts.

Sec. 2. It shall be the duty of the several county courts of the aforesaid counties, immediately upon the reports of said commissioners to make an order for clearing out said road, thirty feet wide, clear of all timber in all practicable places, and the stumps not to be more than twelve inches above the surface of the earth, and all mud holes and muddy places to be causewayed with timber or stone twelve feet wide, all guts shall be bridged in the manner above described, the hill sides dug at least fifteen feet wide and reduced to a plane; and said courts shall appoint a surveyor upon each section or precinct, as laid off by the commissioners, and shall allot him the number of hands to which he is entitled, and the boundaries from whence they are to be drawn. Copies of the above described orders of court shall be given to each surveyor appointed under this act within fifteen days after granting the same, by the sheriff of said counties.

County courts to cause the same to be opened & cleared out according to the report.

The mode in which the same shall be done.

Sec. 3. Each and every person who shall fail or refuse to do his duty in clearing out said road, after having been duly notified by the surveyor or some one appointed by him so to do, shall be subject to a fine of one dollar twenty five cents, recoverable before some justice of the peace in the county where said work is to be done. And the several surveyors who shall be appointed under the provisions of this act, who shall fail to do the duties assigned them without good cause shewn, shall forfeit and pay the sum of fifteen dollars, recoverable before a justice of the peace in the county in which he or they shall have been appointed: *Provided however,* that five days notice be given to the delinquent.

Penalty on persons failing or refusing to work on the road.

On the surveyors for failing to do their duty.

*Provide.*

Sec. 4. When any person through whose land the said road shall be viewed, shall object

Writs of ad quod damnum shall be awarded by the commissioners in favor of any person object- ing to the road passing thro' his land. Damages to be paid out of the county levy.

to the opening the same, the sheriff of the county in which the land may lie, shall at the direction of one or more of the commissioners, summon a jury to meet on the land, on a certain day in the commissioners order mentioned, who shall be qualified to ascertain the damages that may arise from opening said road, which together with the sheriffs fees shall be paid out of the next county levy of the county in which said land may lie, the claim being first allowed by the county court.

Commissioners pay and mode of payment.

Sec. 5. That each commissioner shall be entitled to receive two dollars out of the next county levy in which he or they may respectively reside, for each day he shall be necessarily employed in the aforesaid viewing by his returning a certified account of the time aforesaid to the court of claims.

## CHAP. CCCCLXXXIX.

*An ACT for the benefit of Hiram B. Grooms and others.*

Approved, December 10, 1822.

Recital.

WHEREAS, George Nixon, upon a charge of horse stealing, was committed to the jail of Fayette county, who broke the same and escaped, was retaken and committed again, upon that and other charges, and the second time broke the jail and escaped, and Hiram B. Grooms, John Snell and John Wells, at the expense of sixty dollars laid out, and seven days actual service, retook the said Nixon, and committed him again to the jail of Fayette county :

Allowance made to Hiram Grooms, John Snell & John Wells out of the treasury.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That as a compensation to said Grooms, Snell and Wells, for their services aforesaid, in behalf of the commonwealth, the auditor of public accounts be, and he is hereby authorised to issue his warrant on the treasury in their favor, for the sum of eighty dollars, which shall be paid by the treasurer, out of any money unappropriated.

CHAP. CCCCXC.

*An ACT for the benefit of the widow and heirs of Robert Looney, deceased,*

Approved, December 10, 1822.

WHEREAS, it is represented to this General Assembly, that Robert Looney departed this life, and left a wife and several small children, that his widow, Susannah Looney, is living on a tract of poor ridge land, containing one hundred and eighty-one acres by survey, lying in Cumberland county, granted by Cumberland county court certificate, number six hundred and seventeen, granted in October, one thousand eight hundred and three, and the state price is yet unpaid. Recital

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the register of the land office be, and he is hereby authorised and directed to issue a patent for one hundred and eighty-one acres of land, to Susannah Looney, widow and relict of Robert Looney, who is assignee of Margaret Jackman, without the state price being paid thereon, or fee for the same, upon a return of the plat and certificate, as in other cases. A grant directed to issue to the widow for 100 acres of land

Sec. 2. That after the death of the said Susannah, the aforesaid land shall be sold, and the proceeds thereof equally distributed between the lawful heirs of the said Robert Looney. Land to descend to the heirs of R. Looney dec'd

CHAP. CCCCXCI.

*An ACT establishing an additional inspection of tobacco in the town of Louisville.*

Approved, December 10, 1822.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That an inspection of tobacco, shall be established in the town of Louisville, in the county of Jefferson, on the lot of William H. Boothe, to be called and known by the name of Boothe's inspection, and to be Boothe's inspection established

governed by the same rules and regulations as other inspections of tobacco in this state.

## CHAP. CCCCXCII.

*An ACT to amend the law providing for the collection of debts due the Penitentiary.*

Approved, December 10, 1822.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky, That from and after the passage of this act, the several justices of the peace of this commonwealth, shall have and hold, exclusive original jurisdiction of all suits and actions, for the payment of money hereafter to be brought on behalf of the Penitentiary of this commonwealth, on account of debts contracted with said institution, where the sum demanded shall not exceed fifty dollars, and shall be founded on any specialty bill, note in writing, or account, in the same manner and under the same rules and regulations now in force, in relation to the jurisdiction and duties of justices of the peace.*

Debts due the penitentiary under §50 may be sued for and recovered before a justice of the peace

Sec. 2. *Be it further enacted, That the various constables, in the different counties of this commonwealth, in executing process, and in making collections, under the provisions of the first section of this act, shall be governed by the same regulations, and subject to the same liabilities, and entitled to the same fees, that are now prescribed by law in other cases.*

Collected by constables to be governed by existing laws

## CHAP. CCCCXCIII.

*An ACT for the benefit of the Keepers of toll bridges.*

Approved, December 10, 1822.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the same privileges and exemptions shall hereafter be*





governor shall have thousand dollars in the whole, to be paid upon warrants issued by the auditor in their favor. And the said superintendents shall report to the legislature at its next annual session, a full account of all money expended, and materials from the penitentiary used in the erections herein provided for.

The trustees of Frankfort authorised to square the lots adjacent to the penitentiary  
Proviso

Sec. 3. *Be it further enacted,* That the trustees of Frankfort be, and they are hereby authorised to square the lots on the south east end of the penitentiary, so as to extend the same south and east: *Provided,* The consent of the proprietors of the adjoining lots can be obtained, and in the event that such consent cannot be obtained, the erection of said wall and buildings shall be suspended until the further order of the legislature.

The governor may appoint sub-agents to the penitentiary to dispose of the articles manufactured therein under the superintendence of the agent

Sec. 4. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That it shall be the duty of the governor to appoint any number of sub-agents to the penitentiary, not exceeding ten, to reside at such county towns in this commonwealth, as he may think advisable, and it shall be the duty of the agent to forward from time to time, to each sub-agent, such articles manufactured in the penitentiary, as in his opinion, will sell at a fair price at the place to which he may send them.

The agent to take a bond from sub-agent

Condition thereof

May be sued on by the auditor upon a breach of the condition

Sec. 5. *Be it further enacted,* That it shall be the duty of the agent aforesaid, to take from the person or persons who shall be appointed sub-agents, by virtue of this act, a bond in the penalty of ten thousand dollars, with good security, faithfully to sell for ready money, such articles as are, or may from time to time be delivered to him or them, and at such prices as may be fixed on them, by the agent aforesaid, as far as may be within his or their power, and account and pay over to the agent of the penitentiary for the time being, all monies which he or they receive for the articles which he or they may sell, and to deliver over all articles which may remain on hand unsold, when required, which bond shall be made payable to the commonwealth of Kentucky, attested by

the agent, and filed in the office of the court, and the auditor for the time be, and he is hereby authorised, from time to time, as often as breaches may happen, to commence and prosecute suit thereon, in the civil court; and said bond shall not be void on the first recovery, but may be put in suit from time to time, for a breach of the conditions thereof.

Sec. 6. *Be it further enacted*, That the agent of the penitentiary may, if he shall deem it advisable, add so much to the price of the articles he may deliver to any such sub-agents for sale, as will cover all expenses of transporting them to such place or places, to which they may be consigned, and he is hereby authorised to allow any such sub-agents, a reasonable compensation for his or their services, for making sale of such articles, to be agreed on at or before delivering such articles to him or them, not exceeding ten per centum, upon the amount of the articles actually sold and accounted for.

The agent may add to the price of the articles the cost of transportation &c

And allow such sub-agent a commission for making sales

Sec. 7. *Be it further enacted*, That it shall be the duty of the agent aforesaid, to have expressed in such bond, to be taken by him as is required by the second section of this act, and in a separate receipt, the aggregate value of each kind of articles delivered to any such sub-agent, and such sub-agent shall be liable for any deficiency which may at any time, (when required to account,) exist, between the amount of sales, the articles on hand and the amount expressed in such bond and receipt, unless the agent aforesaid, shall direct any such articles to be sold for a less price, in which case, credit shall be allowed for such authorised abatement of price, *And provided also*, That such sub-agent shall be authorised to retain in his own hands, such per centage as may be allowed him for his services as is herein provided for.

Duty of the agent and sub-agent

Sec. 8. That from and after the passage of this act, the agent of the penitentiary, shall only hold his office for the space of two years, and that from and after the first day of January, one thousand eight hundred and twenty four, a

The agent and keeper to hold their offices for 2 years only

keeper of the penitentiary shall be appointed and commissioned to hold his office for the like period of time.

The keeper hereafter to make no contract exceeding \$500 without the consent of the governor, auditor and treasurer or a majority of them

Sec. 9. That hereafter the keeper of the penitentiary shall not be authorised or empowered, to make any contract or engagement, that shall be binding on the state, or on the officers of the institution, for a greater amount than five hundred dollars, except with the approbation and consent of the governor, auditor and treasurer, whose certificate of approbation, or that of a majority of them, shall entitle the keeper to a warrant from the treasury, for the amount stated in such certificate of approbation.

All sales of the articles manufactured to be for cash in hand

Sec. 10. The fourth section of the law passed on the 27th day of December, 1820, entitled "an act providing for the collection of debts due the penitentiary, and for other purposes," is hereby repealed, and hereafter the agent or sub-agents, authorised to be appointed by this act, shall make no sales of the manufactured articles of said institution, except for cash in hand.

The agent not entitled to his salary until he files with the auditor his quarterly abstract of accounts

Sec. 11. Hereafter the agent of the penitentiary shall not be entitled to a warrant for any part of his salary or commission, until he has filed with the auditor of public accounts, his quarterly abstract of accounts, as required by the 14th section of the act of 1817.

Duty of the auditor

Sec. 12. It shall be the duty of the auditor to examine the accounts of the several agents, and whenever the said agents or either of them, have failed to comply with the tenth section of the law of 1810, to cause suits to be immediately instituted against the said agent and his securities, for the amount for which they may be so liable, and to state the amount which may be in suit or recovered, in his next annual report.

Not more than \$10,000 to be drawn from the treasury over & above the amount standing to the credit of the penitentiary

Sec. 13. No law now in force, shall be so construed, as to authorise the governor to draw on the auditor for any amount exceeding ten thousand dollars for the use of the Penitentiary over and above the amount which may stand to the credit of said institution on the books of the auditor.

Sec. 14. The agent of the Penitentiary is hereby empowered to rent some convenient house in the town of Frankfort as a store for vending the articles manufactured in the Penitentiary—and to deduct a sum not exceeding one hundred and fifty dollars, from the cash in his hands accruing from such sales, to pay the rent of such store room.

The agent authorised to rent a store house in Frankfort

Sec. 15. It shall be the duty of the keeper and agent of the Penitentiary immediately after the passage of this act, to affix such prices to the several articles manufactured in the Penitentiary as will ensure their speedy sale.

Agent and keeper to affix prices to the articles manufactured in the penitentiary

Sec. 16. The agent of the penitentiary shall not be entitled to more than one per cent commission on the amount of the sales which may be made by the sub-agents under the provision of this act.

The agent entitled to 1 per cent on sales made by sub-agents

Sec. 17. The agent of the penitentiary shall withhold from distribution amongst the sub-agents, all manufactured articles of stone and all such other heavy articles as are inconvenient for transportation, or are liable to damage therefrom; and shall on the third Monday in May next, proceed to sell at public auction, at some suitable public place in Frankfort all such reserved articles, for cash in hand, and so continue from day to day until the whole be disposed of; and in order to produce the proper competition in the purchase of said articles, it shall be the duty of the agent to give six weeks previous notice, by advertisement in four public news-papers, making choice of such as will be best calculated to give general information throughout the state; *Provided* the same will sell so as not to sacrifice more than one half of the nominal value, and provided most of the said articles will not sell as aforesaid, he shall again advertise to expose the same to sale on the fourth Monday in October next.

The agent to dispose of certain manufactured articles at auction

Notice to be given thereof

Proviso

Sec. 18. *Provided however*, that nothing contained in the tenth section of this act shall be so construed as to authorise any sums to be drawn from the treasury until the debits against said institution on the treasurers books shall be re-

Further provisos

duced under ten thousand dollars, nor at any one time shall there be more than ten thousand dollars drawn from the treasury.

Sec. 19. *Provided however*, That the keeper shall have the power with the assent of the governor, to defray the current expences for dieting, clothing and fuel for the convicts out of the current receipts of the institution.

The agent  
may exchange  
articles for  
raw materials;  
clothing &c

Sec. 20. It shall be lawful for the agent, by and with the advice and consent of the keeper, to exchange manufactured articles for raw materials, victuals and clothing for the convicts, keeping a just account for said manufactured articles so exchanged and receipts for every article so purchased and file the same in the auditors office.

## CHAP. CCCCXCV.

*An ACT for the benefit of the Widow and heirs of John D. Gray deceased.*

Approved, December 10, 1822.

Recital

WHEREAS, it is represented to the present general assembly, that on the first day of October in the year 1822, John D. Gray departed this life intestate, seized of about four hundred acres of land lying in the county of Gallatin on the Ohio River, and about eleven miles below the mouth of the Big Kentucky River, the title whereof hath been cast upon the widow and six infant children of said decedant, and that it would in many respects greatly promote the present and future advantage of said widow and children, to have the said tract of land sold and the proceeds of sale vested in the purchase of other lands and in completing the payments for lands heretofore purchased by said decedant from the government of the United States, in the states of Indiana and Missouri, Wherefore,

Commission-  
ers appointed  
to sell certain  
lands of the  
deceased.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That Presley Gray the father and Benjamin Gray and William Gray the brothers of said decedant,

and John Taylor the father and John W. Taylor the brother of said widow, or any three of them, be, and they are hereby authorised and empowered to sell the said tract of four hundred acres of land with the appurtenances, in such manner and on such terms as they shall think most conducive of the true interest of said widow and children, and in conjunction with said widow, to convey the same for and on behalf of the said infant children, to the purchaser or purchasers.

Sec. 2. *Be it further enacted*, That said Presley Gray, Benjamin Gray, William Gray, John Taylor and John W. Taylor or any three of them be, and they are hereby authorised and empowered, with so much of the proceeds of said sale as shall be necessary to purchase for the said widow and children, a tract of land not exceeding one hundred acres, to be situated in the county of Franklin, and in the neighborhood of the said father of said widow and others her relations, and to obtain from the person or persons of whom the same may be purchased, such deed of conveyance therefor as shall vest the fee simple estate therein in the said children and a life estate therein in the said widow, and the balance of the money arising from the sale of said four hundred acres of land, shall be by them employed in completing the payments of what said decedent at his death was owing to the government of the United States, for lands by him purchased, in the states of Indiana and Missouri, in the further purchase of lands in the state of Missouri, for and in the name of said children, and in raising and educating the said children in such way as to them shall seem most conducive to the advantage of said heirs.

To purchase  
and pay for o-  
therlands with  
the proceeds

And whereas it is represented that the said John D. Gray, did in his lifetime sell to Benjamin Taylor of Franklin county, ten acres of land on the Ohio river, at the upper end of said tract, for which the consideration of three hundred dollars was paid by said Taylor to said Gray, and sold by said Taylor to James

Further recital

M'Conathy of Gallatin county, for the same sum.

Also to convey  
a certain other  
tract of land  
sold by the de-  
ceased

Sec. 3. That the said Presley Gray, Benjamin Gray, William Gray, John Taylor and John W. Taylor, or any three of them, together with the said widow be, and they are hereby authorised, for and in behalf of said widow and heirs, to execute a deed of conveyance for the said ten acres of land, to said Benjamin Taylor or James M'Conathy as may best suit the convenience of the parties concerned.

### CHAP. CCCCXCVI.

*An ACT for the benefit of Charles Binns and the heirs of Timothy Hixon.*

Approved, December 10, 1822.

Recital.

WHEREAS, it is represented to the present General Assembly, that Charles Binns and Alexander Binns on the fifth day of August in the year seventeen hundred and eighty three entered two thousand acres of land on Indian creek, now called Foxes creek, in the then county of Mason, now county of Fleming; That the said land was on the twentieth day of November seventeen hundred and ninety seven, surveyed, and the original survey forwarded by the surveyor of Mason county, to Christopher Greenup Esq. who was then the agent of said C. and A. Binns, in order that the same might be registered and a grant issued thereon; but from some unknown casualty, no registry of said survey or of a grant for the said land, can be found on record. And it is further represented that the said John Alexander Binns, transferred his interest in said land to Henly Boggess who sold the same to Timothy Hixon who has departed this life intestate. That the said land has been occupied during the last ten or twelve years under the aforesaid claim, Therefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky, That upon the*



said Charles Binns and the heirs of said Timothy Hixon, causing a copy of the aforesaid survey to be filed with the register of the land office, it shall be his duty to register the same and issue to them a grant for the said land, as on other surveys, any law to the contrary notwithstanding.

Register to issue to said Binns and Hixon's heirs a grant for certain lands upon an official copy of the survey.

## CHAP. CCCCXCVII.

### *An ACT for the relief of Nancy Mosley.*

Approved, December 10, 1822.

WHEREAS, it is represented that John O. Mosley of Christian county has treated his wife Nancy Mosley cruelly, has been convicted and sold as a vagrant and will not provide for the support and maintenance of his family.

*Be it therefore enacted by the General Assembly of the Commonwealth of Kentucky,* That the marriage between said John and Nancy be, and the same is hereby forever dissolved.

## CHAP. CCCCXCVIII.

### *An ACT authorising the erection of a Bridge across Licking River.*

Approved, December 10, 1822.

WHEREAS, it is represented to the present general assembly, that the erection of a bridge across main Licking River, will be of great public utility, and that George M. Bedinger will undertake it if proper encouragement is given by the legislature: Therefore,

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the said George M. Bedinger, or his assigns or his or their representatives be, and he or they are hereby authorised to erect a bridge at the Lower Blue Licks, across the river aforesaid upon the terms hereinafter mentioned to-wit: First, that the same shall be completed within

Recital.  
G. M. Bedinger authorised to build a bridge across Licking at the lower Blue Licks.

The terms and conditions on which the same may be erected

Condition of the bond.

Suits may be instituted thereon.

County court of Nicholas may require renewal of bonds

Rates of toll.

Reservation of power by the legislature

Certain exemptions from the payment of toll

three years from and after the first day of May next. Secondly, That it shall not essentially injure the navigation of the said river. Thirdly, That the said Bedinger shall within six months from and after the end of this present session, enter into bond in the county court of Nicholas county, with approved security in the penalty of twenty thousand dollars, payable to the commonwealth, conditioned for the payment of all damages which may be unavoidably sustained thereby, by persons navigating the said river; on which bond all and every person or persons navigating the said river, who may be injured by the erection of the said bridge, may bring suit and recover all damages they may have sustained thereby.

Sec. 2. The county court may from time to time, whenever they think the penalty of said bond has been or is likely to be exhausted by recoveries thereon, require new bonds to be given by the keepers or owners of the said bridge.

Sec. 3. That the said Bedinger, his assigns his or their heirs or legal representatives shall be entitled to demand and receive the following tolls, for passing the said bridge, to-wit: For every man or woman, four cents five mills; for every child above five years old four cents five mills; for every horse, mare, colt, mule or jack five cents; for every waggon fifty cents; for every cart thirty seven cents five mills; for every riding carriage with four wheels fifty cents; for every head of neet cattle two cents; for every head of sheep, goats or hogs one cent; For every hogshead of tobacco rolled or carried across not being in a waggon or cart, twenty five cents.

Sec. 4. That the legislature hereby reserves to itself the same power of altering, amending or modifying this act, that it now possesses in relation to the acts concerning the bridge across the Kentucky river at the town of Frankfort.

Sec. 5. That all persons who must necessarily cross the said bridge to attend musters or to vote at elections, and all messengers on the part of the government, shall for the purposes

aforesaid, be entitled to cross the said bridge toll free.

Sec. 6. That as it is contemplated to build the said bridge below the established ford on said river, that whenever drift wood or other obstructions shall lodge against said bridge, so as to dam the water to the injury of said ford, that the said bridge shall be passable to any and every person who may wish to pass, without any toll for the same, with his or her horse, waggon, or any other article to which toll is allowed by this act, until such impediment is removed, and any two magistrates of Nicholas county shall be competent to examine and determine whether said ford is obstructed by said bridge, and in that case shall have power to pronounce said bridge not entitled to toll while such obstructions shall remain.

The bridge to be passed toll free, when the ford is rendered impassible by drift wood

Two justices of Nicholas may declare the ford obstructed and prohibit the collection of toll.

## CHAP. CCCCXCIX.

### *An ACT for the benefit of the heirs of Joel and Judith Noel.*

Approved, December 10, 1822.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That it shall and may be lawful for the heirs of Joel Noel and Judith Noel deceased, to file their petition in the Lincoln circuit court, for the sale of a tract of two hundred and twenty eight acres of land lying in said county on Dicks river, which was conveyed to their parents by their grand father William Buford ; and if the court after hearing the evidence and grounds for a sale shall be of opinion that a sale of the land will redound to the benefit of said heirs, it shall be lawful for the court to decree a sale and conveyance thereof upon such terms as he shall deem most advantageous to them.

The Lincoln circuit court authorised to decree a sale & conveyance of certain lands of the decedents

Sec. 2. The sale and conveyance under the decree of said court shall pass the title to the

The sale and conveyance to

vest the title in the purchaser land and vest in the purchaser in as full and complete a manner as if all the heirs were of full age and made the conveyance.

## CHAP. D.

### *An ACT to change the venue for the trial of John and Samuel Harvy.*

Approved, December 10, 1822.

#### Preamble.

**WHEREAS**, it is represented to the General Assembly, that John Harvy and Samuel Harvy were some time since apprehended, and taken before two justices of the peace, for Hardin county on a charge of stabbing Isaac Harris, with an intention to kill, and have been committed to the jail of Hardin county, until the next term of said court : and whereas public clamour and prejudice in said county of Hardin is so strong against said Harvy's that it is apprehended they cannot have a fair and impartial trial in said county of Hardin : For remedy whereof,

The clerk of Hardin circuit court to transmit the papers to the clerk of Washington circuit court

**Sec. 1.** *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the clerk of the Hardin circuit court, shall forthwith transmit a copy of the warrant and examination in the case of said Harvy's, had before the justices of Hardin county, to the clerk of the Washington circuit court, and the sheriff of Hardin county shall forthwith convey said Harvy's to the jail of Washington county, and put them into the custody of the jailor of Washington county, who shall keep them as though the offence had been committed in the county of Washington, there to abide until discharged by due course of law.

And the sheriff of Hardin county to convey said Harvy's to the jail of Washington county.

The Washington circuit court to try them

**Sec. 2.** That it shall and may be lawful for the Washington circuit court to have said Harvy's indicted and tried in said court in the same manner and under the same rules and regulations as if the offence had been committed in the county of Washington, and judgment of acquittal or conviction shall be as good and valid as if the said offence had been committed in the

county of Washington, and it shall be lawful for the judge of the Washington circuit court to appoint a term for the trial of said Harvys, if to him it shall seem expedient, any law to the contrary notwithstanding.

The judge may appoint a special term for their trial

## CHAP. DI.

### *An ACT to regulate the Turnpike Road from Georgetown to Cincinnati.*

Approved, December 10, 1822.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the three first sections of an act entitled "an act to amend an act establishing a Turnpike Road from Georgetown to Cincinnati, and for other purposes," approved, January 25, 1820 be, and the same is hereby repealed, and that John Stone and George Berry, in the county of Scott, and Thomas Wilson and H. B. Smith, in the county of Grant be, and they are hereby appointed commissioners in the room and stead of those named in the said sections.

1st, 2d and 3d section of recited act repealed and other commissioners appointed

Sec. 2. So much of the fourth section of the above recited act, as gives to the judge of the Scott circuit court, exclusive jurisdiction over said Turnpike road be, and the same is hereby repealed, and the circuit courts of Scott and Grant shall each have jurisdiction over said Turnpike road, in the same manner that the judge of Scott circuit court was entitled to jurisdiction, by the said fourth section, and a copy of the bond of the undertakers, filed in the clerks office of the Scott circuit court, attested by the clerk, shall be received as evidence in any motion or suit growing out of the condition of said bond, against the undertaker or undertakers, owner or owners of said road, or the proprietor or proprietors of the toll arising from said road,

The circuit courts of Scott and Grant invested with jurisdiction over said road

CHAP. DII.

*An ACT to amend the Militia Law.*

Approved, December 10, 1822.

**Officers not to resign except in the month of January**      **Sec. 1.** *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That hereafter, when any person shall accept any military commission, he shall not be permitted to resign the same except in the month of January.

**Fine for appearing without arms**      **Sec. 2.** That any non-commissioned officer, musician or private belonging to any company of cavalry, artillery or light infantry, who shall appear on parade without his arms and accoutrements in good order, for every such offence he shall pay the sum of seventy five cents; *Provided however,* that nothing in the third section of this act shall be construed to extend to those companies which have not received arms from the commonwealth.

**Proviso.**

**Independent companies where to be stationed on parades**      **Sec. 3.** That at all battalion and regimental parades, the independent rifle, light infantry and artillery companies, shall be stationed on the right of their respective battalions, but in all other parades and courts martial and courts of assessment, the officers shall take rank according to the dates of their respective commissions.

**Court of appeals may be adjourned**      **Sec. 4.** That hereafter the court of appeals of the several regiments in this state may adjourn their court to the third Monday in June in each year instead of the first Monday in August.

**Captains may hear excuses in certain cases**      **Sec. 5.** That the commandants of companies may at any muster, hear the excuse of any private who shall appear on parade without a gun and such commandant if he be satisfied by the oath of the delinquent, that he does not own or possess a gun, which oath any commandant of a company is hereby authorised to administer, to omit to return such delinquent to his next court for the assessment of fines.

CHAP. DIII.

*An ACT authorising certain county courts to purchase tools for repairing roads.*

Approved, December 11, 1822.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall be the duty of the county court of Garrard, to levy as much on the said county as will be sufficient for the purchase of such tools and instruments as said court shall consider necessary to keep in good order, the road up the cliff of Kentucky River, opposite to the mouth of Hickman. Garrard county court authorised to lay a tax for purchasing tools &c. to work on roads.

Sec. 2. It shall be the duty of the county courts of Boone, Campbell and Mason, to levy as much on said counties as will be sufficient for the purchase of tools and instruments as said courts shall consider necessary to keep in good repair the roads in said counties. Also the Boone Campbell & Mason county courts.

CHAP. DIV

*An ACT to authorise a sale of a part of the real estate of Edward Jenkins deceased.*

Approved, December 11, 1822.

WHEREAS, it is represented to the present General Assembly, that Edward Jenkins, died seized and possessed of ten acres of land in Nelson county, on which was erected a horse mill, which land and mill he by his last will, bequeathed to his widow and children ; and it is further represented that said widow and children are unable to keep said mill in repair, and that it would be for the advantage of said widow and children that said mill should be sold, Therefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the circuit court of Nelson county, be authorised upon the petition of Ann Jenkins, widow of Edward Jenkins deceased, and the guardian or guardians of his children, to decree a sale of the lot of ground and horse mill left by the said Jenkins to the Circuit court of Nelson may decree sale of the estate.

said widow and children, on such terms and conditions as in the discretion of said court may seem proper, and to appoint a commissioner or commissioners to convey the same.

## CHAP. DV.

*An ACT for the benefit of Jesse Noland and John W. Sterne.*

Approved, December 11, 1822.

Preamble

WHEREAS, it is represented to the General Assembly, that Jesse Noland did at the December session, in the year one thousand eight hundred and twenty, receive from the treasurer in part for his services as a member of the house of representatives, a twenty dollar note, purporting to be on the bank of Kentucky, which note was a counterfeit, and he has entirely lost the amount: Therefore,

Allowance to  
Jesse Noland

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the auditor of public accounts is authorised and directed to issue his warrant on the treasurer for twenty dollars in favour of said Jesse Noland.

To John W.  
Sterne.

Sec. 2. *Be it further enacted,* That the auditor be, and he is hereby directed to issue his warrant on the treasurer in favor of John W. Sterne (for the support of a lunatic) for twenty dollars, upon the said Sterne producing and delivering over to the treasurer, a twenty dollar note on the bank of Illinois, and an affidavit, made before some justice of the peace of this commonwealth, that he received said note from the treasurer of this state in payment of a warrant on said treasurer.



CHAP. DVI.

*An ACT to authorise the opening a state road from Frankfort to Bowling-Green.*

Approved, December 11, 1822.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That John Major jr. of the county of Franklin, John Harrison, of the county of Shelby, Edward B. Gaiter of the county of Washington, Zachariah Green of the county of Nelson, David Walker of Allen county, George H. Briscoe of Mercer county, Squire Larue of the county of Hardin, Dudley Roundtree of the county of Hart, Charles Campbell and William Bell of the county of Warren, Henry Sanders of Green county and Elijah Haydon of Barren county be, and they are hereby appointed commissioners, who, or a majority of them, after being first duly sworn before some justice of the peace, shall view and mark a way for a road, the nearest and best practicable route, from the town of Frankfort, to Bowling-Green in Warren county; and it shall be the duty of the said commissioners to make out a report, describing particularly the route upon which said road shall be by them located, one copy of which shall be returned to the county court of each of the counties through which said road shall pass.

Commissioners appointed.

Their duty.

Sec. 2. It shall be the duty of the several county courts through which said road is to pass, upon receiving a copy of the report of the commissioners, to lay off that part of the road in their respective counties, into precincts, and make orders for opening the same, and appoint overseers and allot the necessary hands for clearing out said road, at least thirty feet wide, in the same manner that the public county roads are directed to be cleared out.

Duty of the county courts.

Sec. 3. The clerks of the county courts shall make out and deliver to the sheriffs, copies of the orders so made, the sheriffs shall deliver the same to the persons appointed as surveyors, the surveyors shall summon the hands to work, and the hands shall attend at the time and place ap-

Sheriff to deliver copy of orders to surveyors.

penalties.

pointed with the tools and implements required, each of them, clerks, sheriffs, surveyors and hands being required to perform the same duties, and liable to the same penalties for non-performance as are required and imposed by the laws now in force, applicable to the opening of public county roads.

Writs of ad quod damnum may be awarded.

Sec. 4. If any person through whose land said road shall be viewed, shall object to the opening of the same, he or she shall have the same remedy, by writ of *ad quod damnum* as is allowed in cases of public county roads : and upon the return of a verdict for damages on any such writ, the court shall levy the amount so assessed in favor of the person to whom it shall be allowed, in their next county levy.

Allowance to commissioners and how paid.

Sec. 5. The commissioners herein appointed shall be allowed the sum of one dollar and fifty cents per day, for the time they may be severally employed in viewing and marking said road, to be levied by the courts respectively, on the presentation of the account of the commissioner, stating the time he has been engaged, which account shall be sworn to in court or before a justice of the peace.

## CHAP. DVII.

*An ACT providing for the opening of a road from Bowling Green to the mouth of Clover creek on the Ohio river.*

Approved, December 11, 1822.

WHEREAS, it appears that it would greatly conduce to the interest of the public, to cause a road to be opened from Bowling Green to the Ohio river, at the mouth of Clover creek, from which point the interior of the country could be more conveniently supplied with salt and other necessities of life, and from which it would be convenient to ship to foreign markets, the productions of the country : Therefore,

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Tho-*

mas Sterell of the county of Warren, John Adams of the county of Butler, Wm. M'Entire of the county of Grayson, Warner Cobb of the county of Ohio, and John Dejarnate of the county of Breckenridge, be, and they are hereby constituted commissioners, whose duty it shall be to view the best and most practicable way for a road from Bowling Green to the mouth of Clover creek on the Ohio river as aforesaid. The before mentioned commissioners, or a majority of them, having availed themselves of the use of a compass, and employed suitable persons as chain carriers, shall cause the way so viewed by them, and agreed upon for the road, to be well marked and measured, and shall make out one platt and report for each county through which said road may be viewed, stating therein distinctly, the distance it shall pass through each, and the whole distance between the extreme points, stating also the most prominent points of designation which have been marked on the road, and shall cause one copy of said platt to be immediately deposited in the county court clerk's office of each county through which the road shall pass.

Commissioners appointed to view the road.

Their duty.

Sec. 2. *Be it further enacted*, That it shall be the duty of the several county courts through which the road shall pass as aforesaid, at their next court thereafter, or soon as practicable, to lay off so much of said road as shall pass through their several counties, into convenient precincts, and appoint to each an overseer, allotting to each overseer a sufficient number of hands to perform the necessary labor within his bounds. And it shall and may be lawful for each of said overseers to give to all persons within his bounds, the legal notice of the time and place of working on said road; and the said overseer and hands shall in all other respects, be governed by the laws now in force, in relation to working on roads. And it shall be the duty of said overseers, to cause the said road to be opened thirty feet wide, the stumps well cut, the banks of creeks and other steep or side-lining places to be well dug, and marshy places

County court to lay off the road and appoint overseers.

Notice to be given to work on roads.

Road to be opened thirty feet wide.

County court of Grayson not required to open so much as passes thro' that county before the next session of the legislature. to be causewayed with timber so as to admit of the convenient passage of waggons. *Provided however,* That if said road shall pass through the county of Grayson, it shall not be incumbent on the county court of Grayson to cause the same to be cut out previous to the next session of the legislature, unless said court shall think proper to do so: *And provided further,* That said road shall not run a further distance through Butler county than five miles.

Allowance to commissioners.

To chain carriers.

How paid.

Sec. 3. *Be it further enacted,* That each of the commissioners so employed, shall receive for his services, one dollar and fifty cents per day each, for every day he may be employed in the duties prescribed by this act, and the chain-carriers each one dollar per day, and each of the persons so engaged as commissioners or chain-carriers, upon appearing in any county court, and making out the account of the number of days they have been so employed, and making oath thereto in open court, the same shall be certified by the clerk of such court to the auditor of public accounts, upon whose warrant the same shall be paid out of the treasury of this state.

## CHAP. DVIII.

*An ACT to amend the law concerning the collection of tax on law process.*

Approved, December 11, 1822.

Tax on an appeal to be paid before the record is delivered. Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That hereafter it shall be the duty of the appellant from any order, judgment or decree of an inferior court, to the court of appeals, to pay to the clerk of the inferior court the tax imposed by law on such appeals, before the clerk of such court shall deliver out of his office a copy of the record of the case in which the appeal was taken; and the clerks shall account for the same in the manner directed by the act providing for the collection and accounting for the tax on law process.

**Sec. 2.** It shall be the duty of the auditor of public accounts, in settling with the several clerks and secretary of state, for the collection of the tax on law process, appeals, deeds and seals, to allow them severally the sum of five per cent on the amount by them collected. The per cent allowed to clerks &c. on taxes collected by them.

## CHAP. DIX.

*An ACT for the benefit of Elizabeth Moore, the widow of Hector W. Moore deceased and his heirs.*

Approved, December 11, 1822.

**Sec. 1.** *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the said Elizabeth Moore be, and she is hereby authorised, empowered and rendered able to mortgage to the president, directors & co. of the bank of the United States, the tract of land, or so much thereof as shall be an adequate security, lying and being in the county of Jefferson, of which the said Hector W. Moore died seized, and on which the said Elizabeth resides, to secure a debt of the said Hector to the said president, directors & co. payable at their office of discount and deposit at Louisville, in the said commonwealth. E. Moore empowered to mortgage to the U. States Bank a tract of land.

**Sec. 2.** *And be it further enacted,* That the mortgage so made shall be good and valid and binding on the children and heirs of the said Hector W. Moore, who are all infants under the age of twenty-one years. The mortgage to be binding on said Moors infant heirs.

## CHAP. DX.

*An ACT for the benefit of Reuben Browning.*

Approved, December 11, 1822.

**WHEREAS,** it is represented to the present General Assembly, that Reuben Browning, late sheriff of Logan county, presented his delinquent list, certified by the Logan county court, Preamble.

for the year 1820, to the auditor a few days too late, and the auditor refused to allow it and compelled said Browning to pay the amount thereof in money : Therefore,

Said Browning to be allowed for a delinquent list as sheriff of Logan county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky;* That the auditor of public accounts be, and he is hereby authorised and directed to receive and settle with said Browning for said delinquent list and draw a warrant for the amount thereof on the public treasurer, who shall pay the same out of any money in the treasury not otherwise appropriated by law.

## CHAP. DXI.

*An ACT to amend the penal laws of this commonwealth.*

Approved, December 11, 1822.

2d section of the act of 1820 repealed.

*Sec. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the second section of an act entitled, "an act to amend the penal laws of this commonwealth," passed February the eleventh, eighteen hundred and twenty, be, and the same is hereby repealed.

Simple larceny under four dollars punished by whipping.

*Sec. 2. Be it further enacted,* That any free white male person, who shall hereafter be convicted of simple larceny, hereafter committed, of value not exceeding four dollars, such offender shall be punished by stripes, not exceeding thirty-nine, on his bare back, at the public whipping post; the number of stripes to be ascertained by the jury. And such person shall also pay the costs of the prosecution, and shall be committed to the jail of the county, there to remain until the same are paid. But the court may at any time, after the convict shall have remained in prison ten days, upon the conviction that the payment of the costs cannot be coerced by longer imprisonment, discharge the said convict therefrom.

Persons convicted to pay the costs or be committed to jail.

CHAP. DXII.

*An ACT supplemental to an act entitled "an act to establish a Lunatic Hospital.*

Approved, December 11, 1822.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That if it shall be made appear to the satisfaction of the circuit court, before which any person hath been, or shall be found a lunatic or idiot, that said lunatic or idiot is harmless, and can be safely and properly kept by his or her parent or near relation, and that said lunatic or idiot hath not sufficient property to support him or her, the said court may in its discretion, appoint a committee, and make an allowance as heretofore, any thing in the act, entitled, an act to establish a lunatic hospital, to the contrary notwithstanding.

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CHAP. DXIII.

*An ACT for the divorce of Peter Pursell.*

Approved, December 11, 1822.

WHEREAS, it is represented to the present General Assembly, that Catharine Pursell, the wife of Peter Pursell, when he married her, was pregnant by another man, which fact she concealed from her husband, for which he hath prayed to be divorced : Therefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the marriage between the said parties, be, and the same is hereby totally dissolved.

CHAP. DXIV.

*An ACT to amend the law respecting printers in this commonwealth.*

Approved, December 11, 1822.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky, That so much of the law passed in the year one thousand eight hundred and twenty, as limits the charge of printers, for publishing chancery orders, be, and the same is hereby repealed, and hereafter the sum of three dollars shall be allowed and no more, unless the same shall exceed a square, in which case the printer shall be permitted to charge at the rate of two dollars for each additional square.*

CHAP. DXV.

*An ACT to establish the town of Waidshoro' in the county of Calloway, and to provide for the sale of the lots.*

Approved, December 11, 1822.

Trustees appointed,

*Sec. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Gideon D. Cobb, Matthew Lyon, Arthur H. Davis, Henry Darnall and Lindsey Martin, gentlemen, be, and they are hereby appointed trustees of the town of Waidshoro' in the county of Calloway, and the register of the land office of this commonwealth, is hereby authorised and directed to issue a grant to the trustees aforesaid, for the north west quarter of section ten, in township three, north range four east of the meridian, who shall not sell or dispose of the same in any other manner than is by this act directed, and the town laid off on the same by the commissioners, agreeably to an act of assembly, approved December 19th, 1821, is hereby established by the name of Waidshoro'.*

Their powers and duties.

*Sec. 2. It shall be the duty of the said trustees, as soon as practicable, to survey and lay off the residue of the said quarter section of*



land, into convenient out lots, streets and alleys, by running and marking out, and placing corner stones or stakes where trees are not convenient, and make out a plan or plat of the said out lots, in a neat form, representing the true position of every lot, street and alley, together with the numbers of the lots, and names of the streets and alleys, and connection with the in lots already laid off in said town, and have the same duly recorded in the county court clerks office for Calloway county, and make out and transmit one complete copy of the same to the register of the land office, and clerk of the court of appeals, to be by them preserved in their respective offices.

To lay off additional lots.

Sec. 3. If one or more of the trustees appointed by this act, shall die, resign or refuse to act, it shall be the duty of the county court of Calloway county, to appoint some suitable person to fill the vacancy.

Court of Calloway to fill vacancies.

Sec. 4. Before the trustees appointed by this act shall enter upon the duties of their office, they shall before some justice of the peace, each, take an oath faithfully to discharge the duties of trustee for the town of Waidsboro', and they shall be allowed two dollars per day, each, for the time they shall necessarily be employed in executing the duties of their office, which shall be sworn to before the county court of Calloway county, and the clerk shall certify the same, which shall be paid by the treasurer of the town of Waidsboro', who shall be allowed a credit for the same with the auditor, as well as a reasonable compensation for stationary and advertising, which shall also be allowed and certified by the court.

To take an oath

Their compensation.

Sec. 5. The said trustees or a majority of them, shall have full power and authority to appoint a treasurer for said town of Waidsboro', and the same to remove at pleasure and re-appoint, whenever a vacancy shall happen, whose duty it shall be to receive all monies arising from the sale of lots in said town, and pay over the proceeds of the same to the branch bank of the Commonwealth of Kentucky at Princeton,

May appoint a treasurer.

His duty.

subject to the order of the president and directors of the principal bank ; the cashier of said branch bank shall give duplicate receipts for the same, one of which shall be filed with the auditor of public accounts, who shall issue a certificate of the amount to the treasurer, which shall be the treasurers receipt for the amount thereof, as paid to the bank of the Commonwealth of Kentucky on the part of the state.

Shall give bond

Sec. 6. The treasurer to be appointed by this act, shall before he enters upon the duties of his office, give bond and good security, to be approved of by the county court of Calloway county, in the penalty of ten thousand dollars, payable to the Commonwealth of Kentucky, conditioned faithfully to perform the duties of his office, and to pay over to the branch bank aforesaid, any and all the monies arising from the sale of the lots in said town, not otherwise appropriated by this act, which bond shall be filed in the auditor's office, and may be put in suit for a breach thereof.

Also take an oath.

Sec. 7. The treasurer aforesaid shall before some justice of the peace, take an oath faithfully to discharge the duties of the office of treasurer for the town of Waidsboro', and shall be entitled to a commission of five per centum upon all sums by him received and paid into the branch bank aforesaid, or otherwise accounted for.

Trustees to sell lots.

Sec. 8. The trustees aforesaid or a majority of them, are hereby authorised to sell at public sale for ready money, at the town of Waidsboro', giving one months notice thereof in the paper of the public printer, and the Kentucky Republican printed at Hopkinsville, any quantity of in-lots and out-lots in said town, not exceeding one half, beginning at number one and selling the odd numbers progressively.

To make deeds

Sec. 9. Whenever the purchase money for any lot so sold is paid to the treasurer appointed by this act, it shall be the duty of the trustees or a majority of them, to make a deed of conveyance to the said purchaser. which shall vest a complete title in said purchaser, and the

treasurer is hereby authorised to receive the notes of the bank of the Commonwealth of Kentucky and branches, and the notes of the bank of Kentucky and branches, in payment for lots.

To furnish auditor with list.

Sec. 10. It shall be the duty of said trustees, to furnish the auditor of public accounts with a correct list of the number of lots sold, the name of the purchaser and amount of purchase money.

Donation to county court.

Sec. 11. The trustees aforesaid are hereby empowered and directed to convey to the county court of Calloway county, the lot or lots set apart as a public square in said town, without any payment being made to the treasurer for the same.

Sec. 12. Any three of the trustees aforesaid shall constitute a board, and in the absence of the other trustees, shall have full power to do and perform any act, in as full valid and ample manner as if all the trustees were present.

Three trustees may act.

Sec. 13. The trustees aforesaid, shall be, and they are hereby authorised and required to adopt such rules and regulations for the government of said town, and the inhabitants thereof, as to them shall seem right and reasonable, which rules and regulations shall not be inconsistent with the constitution or laws of this commonwealth, and shall be recorded in the clerks office of said county of Calloway, and be and remain in force until the same shall be repealed by a board of trustees, appointed and qualified according to law. And whereas it is represented to this General Assembly, that Archibald Sperry had settled on and improved the said quarter section of land, previous to its being located as a scite for a town :

May adopt bye laws.

Sec. 14. *Be it further enacted*, That the said Archibald Sperry shall be entitled to the benefit of the provisions of the 18th and 19th sections of an act, entitled, an act providing for the sale of the vacant lands west of Tennessee river, approved December 2<sup>d</sup>, 1821, and the value of his improvements made agreeably thereto, shall be certified by the clerk of the circuit court of said county, and received by the treasurer of

Archibald Sperry to be paid for his improvements.

said town, in payment of the purchase money for any lots sold in said town, for which he shall have a credit with the auditor.

Trustees to be  
furnished with  
plat.

Sec. 15. *Be it further enacted*, That the trustees aforesaid, shall be furnished with the plat or map of said town, which accompanied the report of the commissioners, to this General Assembly, which shall be recorded in the county court office for said county of Calloway.

Treasurer to  
pay to county  
court 20 per  
cent on amount  
of sales.

Sec. 16. The treasurer of said town, shall pay over to the county court of Calloway county, their agent or attorney, twenty per centum of the amount of money received by him for the sale of lots in said town, to be applied towards the erection of a court-house and jail for said county, and on the treasurer aforesaid producing to the auditor, the receipt of the county court, their agent or attorney, for the same, he shall be entitled to a credit with the auditor therefor.

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## CHAP. DXVI.

*An ACT supplemental to the act for the appropriation of money.*

Approved, December 11, 1822.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the auditor of public accounts be, and he is hereby authorised and directed to issue a warrant for twenty eight dollars, on the treasury in favour of J. & P. Dudley, for articles furnished the Senate at the present session, to be paid out of any money in the treasury not otherwise appropriated.

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## CHAP. DXVII.

*An ACT for the appropriation of money.*

Approved, December 11, 1822.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the following

sums be paid out of any money in the treasury not otherwise appropriated to-wit:

To the Speakers of the Senate and House of Representatives, four dollars per day each. Allowance to the speakers.

To the clerks of the Senate and House of Representatives, sixty dollars per week each. Clerks.

To the door keepers of the Senate and House of Representatives, twenty four dollars per week each. Door keepers.

To the sergeant at arms of the Senate and House of Representatives, twenty four dollars per week each. Sergeants at arms.

To the clerks of the committees of the Senate and House of Representatives, twenty one dollars per week each. Committee clerks.

To the clerks of the Senate and House of Representatives, thirty three dollars each for four days services, after the session in preparing the acts for publication and arranging the papers. Clerks.

To the clerks of the Senate and House of Representatives, twenty five dollars per week each, for clerk hire during the present session. Same.

To Kendall, Russel and Meriwether, public printers, twelve hundred and forty eight dollars forty five cents, in full for their services as printers up to this time, as per account rendered; also, five hundred dollars in advance for the ensuing year, and one hundred and thirty two dollars for stationary furnished the House of Representatives and for printing done for the clerks of each branch. Kendall, Russell and Meriwether.

To Jacob H. Holeman, public printer, in advance for his services for the ensuing year, five hundred dollars. J. H. Holeman.

To Roger Divine for providing fuel, furnishing water &c. for the House of Representatives during the present session, eighty dollars, and for wood furnished, and repairing stoves, one hundred and ninety dollars seventy five cents. Roger Divine.

To John Crutcher, for providing fuel, furnishing water &c. for the Senate during the present session, eighty dollars. John Crutcher.

To William Wood, for stationary furnished William Wood

- the Senate and House of Representatives, one hundred and thirty six dollars.
- A. Crockett.** To Anthony Crockett, for carrying four writs of elections to senatorial districts and for ninety cords of wood, three hundred and thirty four dollars.
- R. Anderson.** To Reuben Anderson, for repairs done on a stove, five dollars.
- B. Miller.** To Robert Miller, for plaistering done on the state house, nine dollars.
- Adjutant General.** To the adjutant general, for office rent, fifty dollars.
- To the clerk of the general court, fifty dollars for office rent.
- Reges & Moses** To Reges and Moses (negro men) for services rendered the Senate and House of Representatives during the present session, fifteen dollars each.
- Davy Jones.** To Davy Jones, for ringing the bell during the present session, fifteen dollars.
- Amos Kendall.** To Amos Kendall, for making an index to the acts of 1821, fifteen dollars.
- Regis.** To Reges (a negro man) for attending to the out buildings for three weeks, six dollars.
- W. Voorhies & P. Swigert.** To William Vorhies and Philip Swigert, twenty five dollars each, for making out two copies of the report of the school commissioners and documents.
- Kendall & Russell & J. H. Holeman** To Kendall and Russell, and J. H. Holeman, fifty dollars each for news-papers furnished the legislature during the present session.
- John Quinn** To John Quinn a commissioner, for viewing Rockcastle River, for eight days services, sixteen dollars.
- D. & P. Owens** To David and Presley Owens, for furnishing a Canoe and expences in viewing said River, fifteen dollars.
- N. G. Reading** To Nicholas G. Reading, for putting up curtains &c. in the representative chamber and court of appeals, forty nine dollars twelve and a half cents.
- William Wood** To William Wood for binding one thousand copies of the acts of the present and May session, to be bound together, three hundred dollars, also fifty dollars for binding one hundred copies

of the journals of the present session, one half of which sums shall be paid in advance and the balance upon his producing to the auditor the secretary's certificate of the delivery of the full number of copies hereby authorised to be by him bound.

To Adam C. Keenon, three hundred dollars for binding one thousand copies of the acts of this and the May session to be bound together, also fifty dollars for binding one hundred copies of the journals of the present session, one half of which sums shall be paid in advance and the residue upon his producing to the auditor the secretary's certificate of the delivery of the full number of copies hereby authorised to be bound by him : *Provided*, that if the full number of copies allowed to be bound by each of the persons above named, shall not be furnished the secretary, a deduction at the rate of thirty cents for each copy of acts and fifty cents for each copy of journals so wanting, shall be made.

To William Wood, one hundred dollars for binding two hundred copies of the journals of the extra session in May, one half to be paid in advance, the balance to be paid upon producing to the auditor the secretary's certificate of the delivery of the full number directed to be bound by him.

## CHAP. DXVIII.

*An ACT to suspend an act entitled "an act concerning Chaplines fork of Salt River, approved, February 10, 1820.*

Approved, December 11, 1822.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the act entitled "an act concerning Chaplines fork of Salt River, approved February 10, 1820" be, and the same is hereby suspended for one year and all fines or forfeitures which Newell Beauchamp or Joseph Ray may have incurred or may be liable to by reason of their not having*

Former act  
suspended for  
one year.

complied with the provisions of the before recited act be, and the same is hereby remitted.

Citizens may erect slopes.

Sec. 2. It shall and may be lawful for the citizens of Nelson and Washington counties, to raise by subscription, any sum of money necessary to defray the expenses of erecting slopes to the aforesaid mill and dams or either of them as may be thought necessary for the safe navigation of said streams and to apply the money so raised to the erection of such slopes according to the direction of the before recited act: *Provided however*, that nothing herein contained shall be so construed as to authorise the citizens aforesaid to erect any such slope so as to destroy or injure the aforesaid mill dams.

Proviso.

County courts to appoint commissioners.

Sec. 3. It shall be the duty of the county courts of Washington and Nelson Counties, at their sessions in the month of April next to appoint three disinterested commissioners in each county, who shall examine the mill dams of the said Newell Beauchamp and Joseph Ray, and also examine the streams on which those mills are built, as high above them as in their opinion there is any probability that their navigation will be practicable. The said commissioners shall make a report in writing of their opinion of the necessity and utility of erecting slopes in either or both the said mill-dams, and of the cost of erecting them, which report shall be presented to the courts of said counties at their May or June sessions next—and if upon the report of said commissioners, it shall be the opinion of the said county courts, or either of them, a majority of all the justices in the county concurring therein, that a slope ought to be erected in either or both of the said mill dams, they shall make an order to that effect.

Their powers and duties.

Either court may order slopes to be erected.

Sec. 4. If either of the said county courts shall be of opinion that a slope ought to be erected, and shall make an order agreeably to the provisions of the foregoing section, it shall be lawful for such court to cause such slope to be erected at the expence of the county making



such order. *Provided however*, that the slope so erected shall not reduce the height of the dam in which it is erected.

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CHAP. DXIX.

*An ACT to change the time for the annual meeting of the Legislature.*

Approved, December 11, 1822.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky.* That hereafter the General Assembly shall meet on the first Monday in November annually, any law to the contrary notwithstanding.

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CHAP. DXX.

*An ACT vesting the county court of Madison with the power of permitting a house of public worship to be erected on the public square.*

Approved, December 11, 1822.

**WHEREAS**, it is represented that the citizens of Richmond, Madison county, have subscribed a large sum of money, for the purpose of erecting a suitable edifice for public worship in the town aforesaid, and are desirous of having the privilege of building the same upon a part of the public square : Therefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the county court of Madison county, a majority of all the justices of the peace in said county concurring, may set apart for the purposes aforesaid, so much of said public square, as to them may seem necessary, for the site of said house of public worship, and may grant the same to trustees and their successors, to the use of the subscribers, and upon condition that whensoever said house may be permitted to fall into decay or disuse, the right and fee in said parcel of the said public square set apart and gran-

Recital

A. majority of justices vested with the power.

ted as aforesaid, shall revert to the county court of said county, for the use of the county.

## CHAP. DXXI.

*An ACT for the benefit of Isaac Taylor, surveyor of Cumberland county.*

Approved, December 11, 1822.

Recital

WHEREAS, it is represented to the present General Assembly, that Isaac Taylor, surveyor of the county of Cumberland, failed to enter into bond in the county court of Cumberland county, as required by law, and in consequence of which he cannot now enter into said bond without legislative aid : Therefore,

Time allowed  
to give his of-  
fice bond

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the said Isaac Taylor shall, and may enter into bond and security, as required by the laws of this state on that subject, in the county court of Cumberland county, at their next January or February court, and when executed, shall be as effectual in all respects, as though the same had been entered into as required by law.

## CHAP. DXXII.

*An ACT for the benefit of Polly and Betsy Singleton.*

Approved, December 11, 1822

Recital

WHEREAS, it is represented to the General Assembly, that Robert Singleton, late of Lincoln county, died in the occupancy of three hundred and thirty three and one third acres of very poor land, and for which the state has not been paid, which land has since the death of said Robert Singleton, been divided between his daughters Polly and Betsey Singleton, by which division, two hundred acres thereof was allotted to the said Polly, and one hundred thir-

ty three and one third acres was allotted to the said Betsey, both of whom are wholly unable to pay the state price on their respective tracts of land : Therefore,

*Sec. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the state price is hereby remitted on the said three hundred thirty three and one third acres, it being a part of a claim of four hundred acres, originally entered in the county court of Lincoln county, in the name of Frances Henley, and assigned by her to Christopher Singleton, sen. who assigned the same to said Robert Singleton, deceased.*

*Sec. 2. That the register of the land office is hereby authorised and directed to issue patents to the said Polly Singleton and Betsey Singleton, for their respective portions of the land aforesaid, as in other cases, without the production of the auditor's quietus therefor.*

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### CHAP. DXXIII.

*An ACT to extend the term of the Henderson circuit court.*

Approved, December 11, 1822.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky, That whenever there shall be five Mondays in the months of March, June and September, or either of them, the terms of the Henderson circuit court appointed by law to be held in those months, shall be extended to two weeks, if the business thereof shall require it.*

CHAP. DXXIV.

*An ACT for the benefit of the Sergeant of the Court of Appeals.*

Approved, December 11, 1822.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the further time of twelve months be given to Richard Taylor, sergeant of the Court of Appeals, to pay into the treasury the amount of the following executions, which have been collected by a deputy of his, and not accounted for, to wit: in favor of the Commonwealth against Nathan Montgomery and against Benjamin Letcher: Provided, He files with the written statement of his securities assenting to such indulgence.*

CHAP. DXXV.

*An ACT supplemental to an act entitled, "an act concerning the Bank of Kentucky and the Bank of the Commonwealth."*

Approved, December 11, 1822.

WHEREAS, it is represented that on account of the worn and defaced situation of many of the notes heretofore issued and now on hand and withdrawn from circulation, by the bank of Kentucky and some of the notes of the bank of the Commonwealth of Kentucky, it will be impracticable to make out a register of said notes according to the requisitions of the "act concerning the Bank of Kentucky and the Bank of the Commonwealth," and as the object of the legislature is particularly to ensure the destruction of said notes, and to prevent the possibility of a re-circulation of said paper Therefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky, That so much of the fifth section of the above recited act as requires the making out a list of the "letter and number" of each note to be burnt, be, and the same is hereby repealed, and the said presidents and*

Part of former act repealed.

directors shall only be required to make out a list of the amount of each denomination of notes, and the aggregate amount of each class of notes so to be destroyed.

## CHAP. DXXVI.

*An ACT to amend an act for the benefit of the devisees of John Curd and the heirs of Price Curd.*

Approved, December 11, 1822.

WHEREAS, by an act for the benefit of the devisees of John Curd, approved January 28, 1819, Woodford Curd and John Pryor were appointed commissioners, with certain powers therein specified, and whereas, since the passage of said act, said Woodford Curd hath departed this life, said commissioners not having performed the services contemplated by said act :

Recital

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Willis Curd and John Curd be, and are hereby appointed additional commissioners, who shall execute in the clerks' office in which they severally reside, bond to the said devisees and heirs, with security, to be approved of by said clerk, in the penalty of two thousand dollars, each conditioned for the faithful performance of their duty, and having done so, shall together with the said John Pryor, have all the power given to the first named commissioners.*

Additional  
commission-  
ers appointed

## CHAP. DXXVII.

*An ACT to authorise the appointment of a surveyor of the lands set apart for the officers and soldiers of Virginia state line.*

Approved, December 11, 1822.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the*

Governor to  
appoint a sur-  
veyor

His powers &  
duties

Governor to  
fill vacancies

Surveyor to  
give bond

Further time  
allowed to  
make surveys

Governor be, and is authorised to nominate and by and with the advice and consent of the senate, appoint and commission some fit person to fill the vacancy occasioned by the death of the late surveyor of the lands set apart for the officers and soldiers of the Virginia state line, and that the person so appointed and qualifying himself according to law, shall be, and hereby is authorised to receive from the executor or executors of the deceased William Croghan, late surveyor aforesaid, or such other person or persons as have or may have in his, her or their possession any or all of the record books, papers and documents of the said office, and them remove to his own office, to be kept in Hickman county and there safely preserved until delivered out agreeably to law, and also to do and perform each and all the duties of said office, as by law is or may be required.

Sec. 2. Whenever hereafter a vacancy shall or may happen in said office of surveyor, by death, removal, resignation or otherwise, it shall and may be lawful for the governor to fill such vacancy in the same manner and under the same restrictions as he is now authorised to fill other vacancies.

Sec. 3. The surveyor nominated and appointed as aforesaid before he enters upon the duties of his office, shall enter into bond with security to be approved of by the governor, in the penalty of five thousand dollars, conditioned for the faithful discharge of the duties of his office, which bond shall be made payable to the commonwealth and filed in the office of the secretary of state, and may be put in suit as often as there shall be a breach of the condition thereof, by any person or persons who may be injured or aggrieved by such breach and a copy of said bond attested by the secretary or his deputy, shall be received and admitted as evidence in any suit upon the same.

Sec. 4. The further time of one year from and after the first day of December next, be allowed the person so appointed to perform the duties required by the first section of an act en-

titled "an act for surveying the military claims west of the Tennessee river. Whereas many surveys had been executed during the life of the said William Croghan, late surveyor of the lands set apart for the officers and soldiers of the Virginia state line and plats and certificates of the same made out by his deputies which had not been recorded before his death. Recital

Sec. 5. The surveyor appointed in pursuance of this act is hereby authorised and required upon application of the owner of any such survey, by himself or his authorised agent, to record the same, and the surveys so recorded shall be as good and valid as if the same had been recorded by the said William Croghan in his life time, and for recording the same, the said surveyor is hereby allowed to retain out of the fees paid upon each survey, twenty five cents, and the balance of the legal fees upon any surveys which he may receive, he is hereby required to pay over to the executors of the said William Croghan. Surveyor to record surveys made by the late surveyor

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## CHAP. DXXVIII.

*An ACT to authorise the insertion of certain advertisements in the Columbian Spy.*

Approved, December 11, 1822.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That it shall be lawful for any advertisements which are required by law to be published in a newspaper, to be inserted in the Columbian Spy, a paper printed in Mount Sterling, and that the editor of said paper shall be entitled to the same fees, and be governed by the same regulations as other printers in this commonwealth: *Provided,* That nothing herein contained, shall be construed so as to authorise the insertion of such advertisements as are particularly required by law to be published in the paper of the public printer.

CHAP. DXXIX.

*An ACT directing the clerk of the Hardin county court to perform certain duties.*

Approved, December 11, 1822.

Preamble

WHEREAS, it is represented to the present General Assembly of the Commonwealth of Kentucky, that the two first books used for recording deeds, by the clerk of the late quarter session court for Hardin county, and now in the possession of the clerk of the county court of that county, are not bound, but composed of several sheets of paper fastened together: that they are already very much defaced, and likely to become entirely obliterated, in consequence of the decay and bad qualities of the paper: For remedy whereof,

Clerk to procure books

*Be it enacted,* That it shall be the duty of the clerk of the county court of Hardin county, to procure a well bound book, sufficiently large to contain the deeds in the two before recited books, and as soon as the nature of the case will permit, transcribe the whole of the deeds contained in the said books, in a fair and legible hand.

Duty of the clerk of the county court

*Be it further enacted,* That it shall be the duty of the clerk of the county court to examine the deeds recorded in his office, having been acknowledged before the county court, and where a certificate of its acknowledgement shall not have been inserted upon the record, to examine the county court minute book, and upon ascertaining the time and manner of its proof or acknowledgement in the county court as aforesaid, to enter the fact of the case by way of certificate, upon the record book opposite the deed.

Respecting late quarter session court books

*Be it further enacted,* That the act approved November 2d, 1820, directing the clerk of the Hardin circuit court to perform certain duties, be so amended that the transcribing of the proceedings of the late court of quarter sessions of said county shall be continued so as to include April term 1799, instead of February 1798: For which he shall be allowed the same compensa-



tion provided in the aforesaid act, in proportion to the services rendered.

*Be it further enacted*, That when the aforesaid services are completed, the clerk of the aforesaid circuit and county courts shall render on oath to the county court of said county, an account of the price paid for the well bound book required to be procured by the clerk of the county court, and of the number of words contained in the transcript of the deeds, and in the certificates to be annexed to the deeds already recorded, also of the number of the words contained in the proceedings of the quarter session court, from February term 1798, to April term 1799, all of which shall be certified to the auditor of public accounts, who shall allow to the said clerks, the price paid for the said book, and one and one half cents for every twenty words contained in the aforesaid transcript and certificates, and to be deducted from the accounts of taxes on law process, deeds, county seals, &c. to be accounted for by said clerk.

## CHAP. DXXX.

*An ACT to authorise the sale of the real estate of John Williams, a person of unsound mind.*

Approved, December 11, 1822.

WHEREAS, it is represented to the present General Assembly, that the personal estate of John Williams of Floyd county, a person of unsound mind, has been exhausted in the payment of his debts, and in maintaining the said John, and that there is a ballance due his committee, upon a settlement with the Floyd circuit court, of two hundred and eighty four dollars, forty-six and a fourth cents, and it is further represented that the children of the said John are all of full age, and are unwilling that their father should become a charge to the commonwealth, so long as he has property, either real or personal, that can be sold for his support; Therefore,

M. Williams  
authorised to  
sell land

**Sec. 1.** *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That Mason Williams be, and is hereby authorised to sell all the right, title and interest that the said John hath to a tract of land on Licking river, in Floyd county, it being the tract on which the said John formerly resided, for the best price that can be had at public auction, upon a credit of twelve months, having first advertised the time and place of sale, on the door of the court house of Floyd county, at least two successive court days before the day of sale, and shall take from the purchaser, bond with approved security, for the payment of the purchase money, according to the terms of said sale, and the said Mason Williams is hereby authorised to convey the aforesaid land by deed of conveyance, to the purchaser or purchasers, which conveyance when so made, shall vest the title of said land in the purchaser.

To give bond  
& security and  
further duties

**Sec. 2.** *Be it further enacted,* That before the said Mason Williams shall proceed to sell the said tract of land, he shall enter into bond with sufficient security in the county court of Floyd county, to be approved of by said court, in the penalty of at least one thousand dollars, payable to the commonwealth of Kentucky, conditioned that he will apply the proceeds of the sale of said tract of land to the payment of the debt due to the said committee of the said John Williams, and the residue, (if any) to defray any future expenses of maintaining the said John during the continuance of his idiocy, in such manner, and to such amounts as the said circuit court of Floyd shall from time to time direct; and that if the said John Williams shall recover his understanding, he will upon the discharge of the committee of the said John from further care of him, by the said circuit court, pay over to the said John Williams the balance of the proceeds of the sale of said lands (if any) which may remain in his hands, after paying the sums due to the said committee, for his care and keeping; and further, that should the said John Williams die before the amount

of the proceeds of such sale shall have been expended in his maintainance as aforesaid, that then the said Mason Williams will pay over to the administrator, executor or legal representatives of the said John Williams, so much of the proceeds of the sale of said land (if any) as may so remain in his hands, which shall be offsets in the hands of said administrator or executor.

Sec. 3. *Be it further enacted*, That the said Mason Williams shall be entitled to a reasonable compensation for his services herein, to be adjudged of and certified by said court.

## CHAP. DXXXI.

*An ACT to establish and regulate the town of Louisa in the county of Lawrence.*

Approved, December 11, 1822.

WHEREAS, it is represented to the present General Assembly of the Commonwealth of Kentucky, that the land upon which the public square is located for the town of Louisa, is in such a disputed situation, and claimed by so many persons holding adversely to each other, and several claiming under the same title, that the county court of Lawrence county are unable to condemn a town under the general law regulating towns ; and whereas it would tend much to the promotion of both public and private advantage, that the same should be vested in trustees, with power to lay off a town surrounding said public square, and with the further power to sell and convey the same : Therefore,

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That all that part of the bottom on the south side of the forks of Big Sandy, which is in the following boundaries, to-wit: Beginning at the centre of the public square of said town, thence down the bank of Sandy river 80 poles, thence at right angles to the foot of the hill, thence with the foot an eastern direction, so that a line will

Trustees and  
their power  
and duties

strike the same after running from the beginning point, up the Levisa fork of the Big Sandy 80 poles, thence at right angles across the bottom to the foot of the hill, shall be, and is hereby vested in Samuel Bell, Andrew Johnson, Isaac Bolt, Nimrod Cantuberry, Andrew Chapman, Joseph R. Ward and Elisha Welmond, gentlemen, and their successors, to be by them or any three of them, laid off into lots, in the following manner: one half of said tract which shall be next the bank of the Levisa fork and main Sandy, shall be laid off into quarter acre lots, and the other half that lies next the foot of the hill, shall be laid off into acre lots, with convenient streets and alleys through the same, and the said trustees shall be hereby vested with the full power to convey to the county court of Lawrence county, the public square, for the consideration of one dollar, and the same shall be, and is hereby established a town by the name of Louisa.

Lots how to be  
sold

Sec. 2. The said trustees or a majority of them, shall within six months after they have laid the same off into lots and streets, expose the lots to sale by public auction, for the best price that can be got for them, at the door of the court house or upon the premises, having given two months previous notice thereof, two months at the door of the court house of Lawrence county and by advertising for eight weeks successively in the public newspapers printed in Washington, Flemingsburgh and Paris.

12 months credit—holder to  
retain a lien

Sec. 3. They shall sell the said lots on twelve months credit, and shall take bonds with good and sufficient security for the payment of the purchase money, payable to themselves, for the benefit of the proprietor or proprietors: in the condition of which bonds, the number of the lot for the purchase of which the said bond is given, shall be inserted, and the holder shall always retain a lien on the said lot, for the purchase money, until the same is paid.

Sec. 4. The said bonds shall be returned to the clerks office of the Lawrence circuit court, to be there safely kept, and shall be assigned to

the proprietor or proprietors, by the said clerk, when directed so to do, by a decree or order of the said court, which assignment shall transfer the property of the said bond to the assignee, and enable him to maintain a suit thereon in his own name ; but if a proprietor shall become a purchaser of a lot or lots, he shall be entitled to receive the assignment of his own bond or bonds, to the extent of his interest in the town, when the question of right shall be settled.

Bonds to be filed in the office of Lawrence circuit court

Sec. 5. The said trustees shall convey the lots so sold, to the purchaser or his assignee, in fee simple as soon as the purchase money is paid, and it is hereby provided that the said trustees shall be allowed a reasonable compensation for their services, to be adjudged of by the circuit court of said county, and said court shall have the power to direct the same to be paid out of any of the notes that may be filed with the clerk of said court for safe keeping.

Compensation to trustees

Sec. 6. Whenever any of the said trustees shall remove out the county, die or resign, the vacancy or vacancies shall be filled by the county court of Lawrence, who shall possess all the powers and qualifications, that those do who are appointed by the provisions of this act.

Vacancies how filled

Sec. 7. The trustees of the town shall within one month after they shall have caused said town to be laid off, return to the clerk of the county court of Lawrence a fair and correct plan of said town, giving a distinct view of the situation and number of each lot, and of the public square, streets and alleys, with the names of which, by the clerk of said court, shall be recorded in the book kept by him for recording deeds.

Plat to be recorded in Lawrence county court

Sec. 8. If the title of the land shall not be finally settled and determined, against the time the notes or bonds shall fall due for the sale of the lots in said town, the purchasers thereof may avail themselves from the payment of interest on their notes or bonds, by paying the money into the clerks office of the circuit court of said county under the direction of said

Regulations respecting titles

court, and if the court shall deem it requisite, it shall cause said clerk to give bond and security for the safe keeping of any money that may be so paid to him : *Provided however*, the said court shall have the right to make such orders and decrees, relative to the collection and disposition of the money arising from the sale of said lots, either by distributing it in just proportions between the tenants in possession, upon undoubted security, or by leaving it as a deposit in the hands of the clerk, or in the hands of some other person upon like undoubted security, until the successful claimant shall have fully and successfully asserted his claim to the land, upon which he shall order the money to be paid to such successful claimant or claimants.

Commissioners  
to value im-  
provements &  
other duties

Sec. 9. The trustees of the said town shall call upon five commissioners, who, or a majority of them, after making an oath before some justice of the peace for said county, that they will faithfully and to the best of their judgment value the lasting and valuable improvements that may be on any of the lots in said town, and report the said valuation to the said trustees, and when any such lot shall be set up for sale, the trustees shall notify the purchaser what is the amount of the value of improvements on the same ; and if any person other than those who own said improvements shall purchase any lot with any improvement thereon, the person so purchasing any such improved lot, he she or they shall execute their note to the party owning said improvement, payable in twelve months from and after the sale thereof, with approved security, which approval shall be determined by said trustees, and shall execute their bond or note for the overplus to the trustees as heretofore provided : *Provided however*, no person shall be entitled to pay for any improvement, except the same shall be held under some legal and equitable title.

CHAP. DXXXII.

*An ACT for the benefit of John Jackson.*

Approved, December 11, 1822.

**WHEREAS**, it is represented to the present General Assembly, that John Jackson, late commissioner of the Turnpike and Wilderness Road has by mistake in the adjustment of his accounts been defrauded out of about one hundred and fifty dollars, and that the present manager of said road, doubting their authority, have refused to correct the mistake.

**Sec. 1.** *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That William Smith of Rockcastle, William Stone of Madison, and John Hebbard of Knox county, are hereby appointed commissioners, whose duty it shall be to examine the accounts of said Jackson, with such other vouchers and exhibits as may be necessary to adjust said accounts, and if upon an impartial examination, the said Jackson shall prove to the satisfaction of said commissioners, that he is justly entitled to said sum of money, or any part thereof, they shall give him an order upon the keeper of the Turnpike Gate for so much as may be justly due, whose duty it shall be to pay over the same out of that part of the money liable to be appropriated on said road from Cumberland.

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CHAP. DXXXIII.

*An ACT to authorise the running and marking the line between the counties of Cumberland and Monroe.*

Approved, December 11, 1822.

**WHEREAS**, an act passed January 19th, 1819, erecting the county of Monroe, out of parts of the counties of Cumberland and Barren, and directing the running and marking the line between said county of Monroe, and the county of Cumberland, which have not been done according to said law, which is the cause

Recital.

of some inconvenience to the people of both counties, and the people of said counties are desirous the same should be run and marked :

Commissioners  
appointed to  
run the line:

Sec. 1. *Be it therefore enacted by the General Assembly of the Commonwealth of Kentucky,* That Caleb H. Rickets of Adair county, shall be, and he is hereby directed to meet the county surveyor of Cumberland county, and the county surveyor of Monroe county, at the court house in the town of Burksville, on any day in the months of April or May next, which they may fix on, and run and mark said line, according to the law establishing said county of Monroe, commencing first in the town of Burksville, said line being run and marked, shall be reported to each county court, and entered on their records as the established line.

Sec. 2. *Be it further enacted,* That said surveyors shall appoint two chain-carriers and a marker, who shall receive for their services one dollar and fifty cents per day each, and the surveyors each three dollars per day, to be paid one half by Monroe, and the other half by Cumberland county, out of their next county levy, which accounts shall be made out by the surveyors, and if reasonable, allowed.

Sec. 3. *Be it further enacted,* That the surveyors of Cumberland or Monroe county, may send, if they think proper, any one of their deputies, to assist in running said line in their place, if not convenient for them to attend.

#### CHAP. DXXXIV.

*An ACT to establish an inspection on Big Barren River.*

Approved, December 11, 1822.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That an inspection of Flour, Pork, Beef and Tobacco be, and the same is hereby established on the lands of Samuel S. Brooking and Alexander Graham, adjoining the town of Bowling-Green, in War-



ren county, at the Buffalo Ford of Big Barren River, about two hundred yards below the bridge, to be subject to the same laws, rules and regulations as other inspections are, and the county court of Warren county are hereby authorised to appoint inspectors for the same.

## CHAP. DXXXV.

*An ACT to amend an act for the benefit of Francis Emmerson's heirs.*

Approved, December 11, 1822.

WHEREAS, it appears by an act approved 5th day of January 1813, entitled "an act for the benefit of Francis Emmerson's heirs," that John M. Emmerson and Unity H. Emmerson was appointed trustees with authority to sell three hundred and fifty acres of land as described in said act, belonging to the heirs of said Francis Emmerson deceased, the said trustees first executing bond with security in the county court of Cumberland. And whereas it further appears that at the April term of the Cumberland county court 1813, the said trustees entered into bond, as they supposed, agreeable to said act, which bond by some clerical mistake or omission is ineffectual and void and that the said trustees after executing said bond sold and conveyed said tract of three hundred and fifty acres of land to Peter Simmerman for the sum of three thousand five hundred dollars which they received as a full consideration therefor; that they executed deeds of conveyance therefor, and as the execution of a bond agreeable to the provisions of the before recited act was a condition, precedent to give the authority aforesaid, the aforesaid conveyances is therefore deemed null and void, and for the purpose of enabling the parties aforesaid to effectuate and complete the contract according to their original design,

Preamble.

*Be it therefore enacted by the General Assembly of the Commonwealth of Kentucky, That Thom-*

Bond and security, and duty of trustees.

as M. Emmerson and Unity H. Emmerson be, and they are hereby authorised and empowered to execute bond in the Cumberland county court agreeable to the provisions of the before recited act, and that the said Thomas M. Emmerson and Unity H. Emmerson on the part and behalf of the infant heirs of the said Francis Emmerson deceased be, and they are hereby authorised to convey to the said Peter Simmerman, his heirs or assigns the aforesaid tract of land sold and conveyed as aforesaid, and the said conveyances when made by them, shall pass the title to said Simmerman both as respects the heirs of said Francis Emmerson deceased, and also the right of dower which the said Unity H. Emmerson as widow of said deceased, had in and to said lands.

#### CHAP. DXXXVI.

*An ACT to amend the several acts providing for the publication of the decisions of the Court of Appeals.*

Approved, December 11, 1822.

Secretary to  
subscribe for  
Littell's reports

*Be it enacted by the General Assembly of the Commonwealth of Kentucky, and it is hereby enacted, That upon William Littell's delivering into the office of the secretary of state for the time being, for the use of this commonwealth, two hundred and fifty copies, well bound and lettered, of the decisions of each term respectively of the Court of Appeals, he shall receive as a compensation therefor, at the rate of one dollar for every hundred pages contained in each volume of said reports, including tables and indexes: Provided however, That the letter and paper be of the same size as Littell's edition of the laws of Kentucky: And provided also, That the judges of the Court of Appeals, or a majority of them, give a certificate in writing, certifying their approbation of said work, and that no argument of counsel be printed therein: And provided also, That the secretary*

of state shall not be compelled to receive the same, or give a certificate therefor, unless they shall be deposited in his office within sixty days after the close of each respective term of said court, unless the said Littell shall manifest that the delay was occasioned by the impossibility of procuring paper, or materials for binding, or some other cause, beyond the control of said Littell.

Sec. 2. *Be it further enacted*, That on the delivery of the number of copies aforesaid, in compliance with all the conditions and requisitions above mentioned, the secretary of state shall certify the receipt of said volumes, stating in his receipt, the sum due to the said Littell at the rate aforesaid, to the auditor of public accounts, who shall issue his warrant therefor, in favor of said Littell, which shall be paid out of the public treasury.

Compensation therefor.

Sec. 3. *Be it enacted*, That all acts of assembly authorising the appointment of a reporter, and allowing him any compensation, shall be, and are hereby repealed: *Provided however*, That if the present reporter shall at any time, before the first day of September next ensuing, deposit in the office of the secretary of state, two hundred and fifty copies of a third volume, executed in the manner prescribed by said acts of assembly, he shall receive pay therefor at the same rate, and in the same manner that he would if this act had not passed.

Act appointing a reporter repealed.

Proviso.



# RESOLUTIONS.

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*A Resolution for the reference to a joint committee, the report of  
H. Clay, Esq.*

Approved, October 26, 1822.

**RESOLVED**, by the General Assembly of the Commonwealth of Kentucky, That the reports and documents transmitted to this house by Henry Clay Esq. commissioner on the part of this state, to negotiate with the commissioner from Virginia, be referred to a committee of six from the House of Representatives and three from the Senate.

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*A Resolution fixing a day for the election of a Senator in Congress.*

Approved, October 26, 1822.

**RESOLVED** by the General Assembly of the Commonwealth of Kentucky, That they will, on Tuesday the twenty ninth instant, at twelve o'clock, proceed by joint vote of the two houses, to elect a suitable person to represent this state in the Senate of the United States.

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**RESOLUTIONS**, appointing joint committees to examine the Bank of Kentucky, the Public Offices and the Penitentiary.

Approved, November 7, 1822.

**RESOLVED**, by the General Assembly of the Commonwealth of Kentucky, That a committee of three from the Senate and six from the House of Representatives, be appointed to examine the Bank of Kentucky, and to report specially the amount of capital stock in said Bank and each of its branches, distinguishing therein the amount owned by the state and the amount owned by individuals, together with the name of each individual stockholder, his amount of stock, and the amount of such individuals debt and responsibilities to said Bank and branches, and the amount of debt that has been paid by the receipt of real estate; also, the amount of

debts, deposits, notes in circulation of the mother Bank, and of each branch, the specie in the principal Bank and each of its branches, distinguishing that belonging to the Bank and branches, and that on deposit, the amount of debts that have been extinguished by a surrender of stock, and such other matters in relation to the Bank and branches as they may deem material; and that they have power to send for persons, papers and records.

**Resolved**, That a joint committee of three from the Senate and six from the House of Representatives, be raised for the purpose of examining and reporting the situation of the auditors office.

That a joint committee of three from the Senate and six from the House of Representatives, be appointed to examine and report the situation of the Registers office.

That a joint committee of three from the Senate and six from the House of Representatives, be raised to examine and report the situation of the Treasury.

That a joint committee of six from the Senate and twelve from the House of Representatives, be raised to examine and report the situation of the Penitentiary.

*Resolutions providing for the appointment of a board of commissioners under the 8th article of the compact with Virginia, and ratifying the convention of the commissioners appointed to make the necessary arrangements for constituting said board.*

Approved, November 16, 1822.

THE joint committee to whom was referred the letter from Henry Clay, the commissioner appointed on the part of this state, at the last session of the legislature, to make the necessary arrangements and stipulations with the commissioner from the state of Virginia, for constituting a board of commissioners under the 8th article of the compact with said state, and the convention and stipulations entered into and agreed upon by the aforesaid Virginia and Kentucky commissioners, have duly considered the subject referred, and recommend the ratification of the articles of convention: Wherefore, they report the following resolutions:

**Resolved by the General Assembly of the Commonwealth of Kentucky**, That the articles of convention settled and agreed upon by Henry Clay and Benjamin Watkins Leigh, Esqrs.

commissioners—the former on the part of Kentucky, and the latter on the part of Virginia, bearing date the fifth day of June, one thousand eight hundred and twenty two, be, and the same are hereby approved and ratified.

*Resolved*, That the Senate and House of Representatives will, on Tuesday the 19th instant, by joint vote, elect two commissioners on the part of Kentucky, in pursuance of the convention made by the said Kentucky and Virginia commissioners.

*Resolved*, That the Senate and House of Representatives will on Tuesday the 19th instant by joint vote elect two fit persons as counsel to represent the state of Kentucky, before the board of commissioners to be organized agreeably to the said convention.

*Resolved*, That the governor of this state be requested to communicate as soon as convenient after the 19th inst. the foregoing resolutions to the executive of the state of Virginia, together with the names of the commissioners, elected on the part of this state to be laid before the Legislature of Virginia.

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*Resolutions, requesting the Governor to notify the Commissioners appointed under the compact with Virginia, of their appointment, and making provision for any vacancy that may happen in said Commission.*

Approved, November 21, 1822.

**RESOLVED**, by the General Assembly of the Commonwealth of Kentucky, That the Governor of this Commonwealth be requested to communicate forthwith, to Jacob Burnet of Ohio, and Hugh L. White of Tennessee, information of their unanimous election by this Legislature, as commissioners under the eighth article of the compact with Virginia.

*Resolved*, That in the event of both or either of said gentlemen refusing to act, or from any other cause being unable to attend the board, Henry Clay and John Rowan, shall be, and they hereby are vested with full power to supply the vacancy thereby occasioned.

*A Resolution requiring the Directors of the Bank of the Commonwealth and Branches, to continue the calls on the debtors to said bank and branches to one per cent per month.*

Approved, November 26, 1822.

**WHEREAS**, it is represented to the General Assembly, that some of the branches of the Bank of the Commonwealth, are calling from their debtors two per centum per month on the amount loaned, instead of the one per cent. heretofore called: Wherefore,

*Resolved, by the General Assembly of the Commonwealth of Kentucky*, That the president and directors of the Bank of the Commonwealth of Kentucky, and each of its branches be and they are hereby directed and required to continue the calls upon the debtors to said bank and branches, at one per cent. per month, as heretofore and no more.

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*A Resolution fixing a day for the election of President and Directors of the Bank of the Commonwealth and its branches; President and Directors of the Bank of Kentucky, a Treasurer and Public Printer.*

Approved, November 26, 1822.

**RESOLVED**, by the General Assembly of the Commonwealth of Kentucky, That they will on Thursday the 28th inst. proceed to the election of a president and twelve directors to the Bank of the Commonwealth; a president and eight directors to each of its branches, a president, and six directors to the Bank of Kentucky, a treasurer and Public Printer.

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*A Resolution appointing a joint committee, to examine the Bank of the Commonwealth of Kentucky.*

Approved, November 30, 1822.

**RESOLVED**, by the General Assembly of the Commonwealth of Kentucky, That three members from the Senate and six from the House of Representatives be and they are hereby appointed a committee, to examine the Bank of the Commonwealth of Kentucky, and make report of her situation.



*A Resolution referring to joint committees, the reports of the Bank's of the Commonwealth and Branches.*

Approved, December 2, 1822.

**RESOLVED**, by the Senate and House of Representatives, That the senators and representatives residing within each bank district for the Bank of the Commonwealth of Kentucky and Branches, be a committee, whose duty it shall be to examine the reports from said bank and branches within their district, and to make report of such examination to each branch of this General Assembly.

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*A Resolution rescinding a resolution, fixing on a day for the election of certain officers, and fixing a day for said election.*

Approved, December 5, 1822.

**RESOLVED**, by the General Assembly of the Commonwealth of Kentucky, That the resolution adopted the 26th inst. fixing on a day to elect president and directors for the Bank of Kentucky, president and directors for the Bank of the Commonwealth and its Branches, treasurer and public printer be rescinded, and that they will on Thursday the fifth of December next, proceed to elect said officers.

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*A Resolution for a division of the Public Printing.*

Approved, December 5, 1822.

**RESOLVED**, by the General Assembly of the Commonwealth of Kentucky, That the public printing ought to be divided ; and that two printers ought to be appointed, and that a committee of three from the Senate and six from the House of Representatives, be appointed to make an equitable division of the public printing between the two offices, and report their opinion accordingly.

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*A resolution regulating the mode in which the Public Printing shall be done.*

Approved, December 6, 1822.

**RESOLVED**, by the General Assembly of the Commonwealth of Kentucky, That the public printing be divided in the following manner, to-wit: One of the public printers to print the Journals of the House of Representatives, and the bills directed by them to be printed, the Laws passed by the

Legislature, and the public advertisements: The other printer to print the Journals of the Senate, and the bills by the Senate ordered to be printed, the blanks for the different public offices, and the lists of non-residents lands.

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*A Resolution requesting the Secretary of State to transmit the Laws &c. of this state to the Public Library at Washington city, and obtain in exchange the Laws of the U. States, and the reports of the decisions of the Supreme Court of the U. States.*

Approved. December 6, 1822.

**RESOLVED**, by the General Assembly of the Commonwealth of Kentucky, That the secretary of state is hereby requested to transmit by the earliest practicable mode, to the department of the state for the United States, to be deposited in the public library at the city of Washington, the acts of the present session of this legislature, the Digest of the Laws of this state compiled by William Littell and Jacob Swigert, esquires, and Hardin's, Bibb's, and Marshall's reports of the decisions of the Appellate Court; and he is hereby requested to open a correspondence with the joint committee of Congress for that library, in the view to obtain hereafter an interchange and transmission of the laws of Congress, of the reports of the Appellate Court of the United States, and of the laws and reports of this state; and that he make report to the next meeting of the Legislature.

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*A Resolution directing William Wood to pay into the Treasury, a sum of money.*

Approved, December 7, 1822.

**WHEREAS**, it appears that by resolutions of the legislature of two preceding years, three hundred copies of the Journals of both Houses were ordered to be bound by William Wood, and that only about one hundred and fifty copies were delivered to him for each year, as had been the practice of preceding years, and probably the intentions of the legislature: which one hundred and fifty copies only were bound, and delivered to the secretary of state; and whereas, upon the face of said resolutions the auditor drew upon the treasurer for the price of binding three hundred

copies, and it appears that the sum of one hundred and fifty six dollars has been received by the binder, more than the number of copies delivered would have amounted to, at the rate of sixty cents per copy, which appears to have been the customary price for binding the Journals in one volume, and whereas William Wood, has expressed a willingness to refund the aforesaid sum of one hundred and fifty-six dollars, whenever it shall be understood that it was not the intention of the legislature to allow him the sum so received : Therefore,

*Resolved by the Senate and House of Representatives, That William Wood, do refund to the treasurer of this Commonwealth the sum of one hundred and fifty-six dollars, and that the same be entered upon the receipts in the auditors office.*

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*A Resolution directing a Tomb-stone to be placed over the grave of James Garrard, late Governor of Kentucky.*

Approved, December 7, 1822.

WHEREAS, a just reverence for the memory of departed worth forms the strongest incentive with the living, to the practise of those virtues and the display of that patriotism, which distinguished the deceased ; and whereas our distinguished fellow-citizen James Garrard, who administered the government of this state for eight years, with the entire approbation of the citizens thereof, has since the last session of this legislature, been gathered to his fathers : and this legislature feel that his character, in which were happily blended, those christian and civic attributes, which may be safely regarded as a just model for the living : Therefore,

*Resolved, by the General Assembly of the Commonwealth of Kentucky, That a tomb-stone be erected to the memory of our departed and much lamented fellow-citizen, James Garrard ; and that the same be furnished by the keeper of the Penitentiary, and placed over his grave, under the direction of the governor.*

*A Resolution directing the Printing and distribution of the report of the School Commissioners, and of the report of the select committee of the House of Representatives on Education.*

Approved, December 11, 1822.

**RESOLVED**, by the General Assembly of the Commonwealth of Kentucky, That five thousand copies of the report of the commissioners on common schools, and the documents accompanying the same, and of the report of the committee of the house of representatives on education, be printed in a pamphlet for the use of the people of Kentucky, and that it be the duty of the secretary of state to transmit to the clerks office of each county court in the state, for distribution, as many of said pamphlets as each county shall be entitled to, at the rate of thirty-five for each senator and representative, who shall distribute the same to the citizens of this Commonwealth.

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*A Resolution for Printing and distributing the Laws and Journals.*

Approved, December 11, 1822.

**RESOLVED**, by the General Assembly of the Commonwealth of Kentucky, That two thousand copies of the laws of the present and May session be printed by the public printer, (together with such notes and references as may be furnished by William Littell,) to whom that portion of the printing is assigned, and be delivered to the book-binders as directed by the act, for the appropriation of money, who shall bind the laws of the May session and the present session in one volume, and one hundred and fifty copies of the Journals of the last May session, shall be bound in a separate volume, and one hundred and fifty copies of the Journals of the present session, shall be bound in one volume as printed by Kendall and Russell, and be delivered with binding as heretofore, to the secretary of state for distribution, and that after supplying each member of the legislature, with a copy of the Laws and Journals, and the clerks of the Senate and House of Representatives, three copies of the Laws and Journals shall be sent to the Transylvania University—the remaining copies shall be for the use of future Legislatures, and the Governor is hereby requested to employ some suitable person to distribute said Laws and Journals.

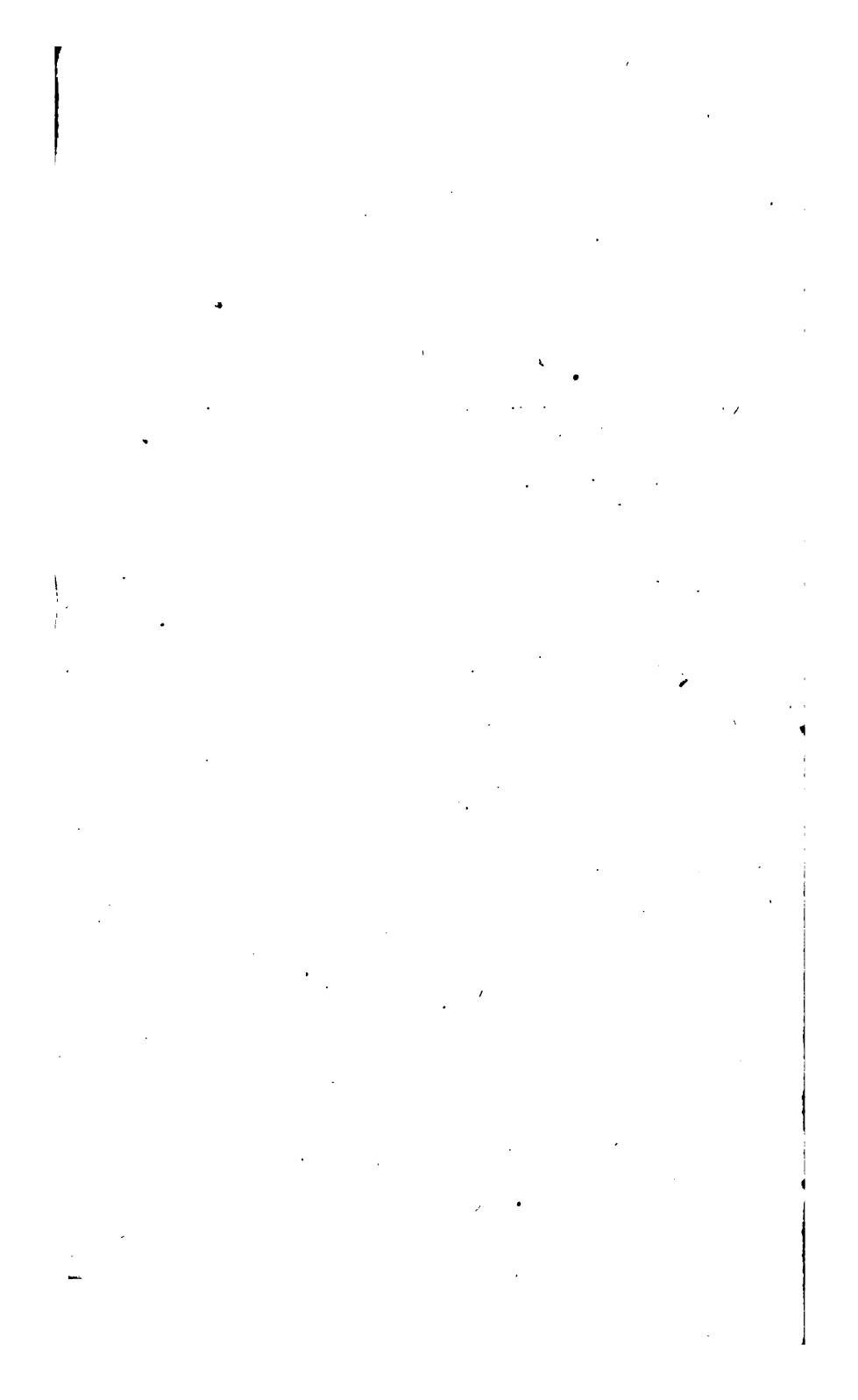
*A Resolution fixing a day for the final adjournment of the General Assembly.*

**RESOLVED**, by the General Assembly of the Commonwealth of Kentucky, That when the Legislature adjourn on Saturday the 7th of December next, they will adjourn without day.

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*A Resolution rescinding the resolution for an adjournment on the 7th, and fixing on the 11th of December for that purpose.*

**RESOLVED**, by the General Assembly of the Commonwealth of Kentucky, That the resolution for the final adjournment of the General Assembly, on the 7th instant, be rescinded, and that when they adjourn on the 11th instant, they will adjourn without day.



# INDEX.

A		Compiler authorised to publish certain advertisements	
Academy of Montgomery, the mode of appointing trustees thereto altered.	58	Barren county, allowed a chance- ry term	156
Adair county, an election precinct established in,	31	Beatty Martin, act for his benefit	172
circuit court when held	115	Beauchamp Newell, act for his benefit	226
allow'd additional justice	139	Bennett Charles, act for his ben- efit	173
act for benefit of sheriff	144	Binns Charles, act for his benefit	202
Adams George, act for h.s benefit	47	Boone county, may purchase tools to repair roads	209
Allen county, line between it and Simpson established	51	Bottom Turner, act to authorise a sale of his real estate	111
Allen John, act for benefit of his heirs	106	Bounds of prison extended to limits of state	12
Anderson Jacob, act for benefit of his creditors	109	Brecken county, act for relief of sheriff	144
Antle Jacob, act for his benefit	173	Brand William, act for benefit of	65
Appeals court, act to amend the act for reporting the decisions	244	Breckenridge county, allowed ad- ditional justices	74 139
Appropriation of money at May session 1822	13	Bridges, keepers of exempt from certain duties	194
at October session	222	Briscoe Geo. H. appropriation to	127
Archer Ben. appropriation to	100	Brock Betsey and Whitehead Joshua marriage between le- galized	68
Ashby Alexander, act for benefit of his heirs	24	Browning Reuben, act for his benefit	215
Asylum for lunatics established act amended	174 217	Bullett county, allowed an addi- tional constable	72
for the tuition of the		Butler county, act for relief of sheriff	141
Deaf and Dumb established	179	C	
Auction, a duty imposed on the sales at in Lexington for the benefit of the law department of Transylvania University	160	Cadiz town of, regulated	130
Auditor, certain records in his of- fice to be copied	178	Caldwell county, allowed an ad- ditional constable	73
Augusta College incorporated	163	act for benefit of the sheriff	141
B		Calloway, act establishing the county of	86
Baker Thomas, land donated to	80	time of holding its courts	186
Bank of the Commonwealth, county of Owen attached to the 4th and Muhlenburg to the 6th district	38	Campbell county, act for removal seat of justice	59
part of notes to be exchanged and cancelled	123	allowed additional justices of the peace	74
act supplemental thereto	230	may purchase tools to repair roads	209
Bank of Ky. charter repealed and the manner it is to be wound up	119	Campbell Wiley, act for his benefit	83
Baptist Monitor and Political			

Casey county, election precinct established in 31, 117	Curd John and the heirs of Price	
additional constables allowed to 72	Curd, act for their benefit 231	
Certificates removed, act to protect the owners of 66	D	
Chaplains fork of Salt river, act concerning its navigation suspended 225	Deaf and Dumb, an asylum for their tuition established 179	
Cheatham Samuel, act for his benefit 56	Delaney Joseph, act for his benefit 28	
Chinn William, act for benefit of his widow and heirs 126	Divine Roger, act for his benefit 67	
Christian county, allowed an additional constable 73	Dorin Richard, land donated to 79	
allowed an additional justice 138	Dover, tobacco inspection established at 22	
Christian Repertory and Kentucky Literary Register authorised to publish certain advertisements 75	Dulaney Elijah W. act for benefit of his heirs 158	
Clay county, time of holding the courts changed 186	Dupez Joseph, act for benefit of his heirs 36	
Clerks, further time given to give bonds 48	E	
College of Augusta incorporated 163	Edminston John; act for the benefit of his heirs, 97	
Columbian Spy, advertisements may be inserted in 233	Edwards Cyrus; act for benefit of Elections of members to congress regulated, 9	
Columbus town of, act for benefit of the trustees 105	Election precincts in Lincoln and Fleming 25	
regulations concerning the proceeds of sales 187	in Garrard, 118	
Commissioners, under the compact with Virginia, provision for paying them 152	in Floyd, Washington, Adair, Green, Hardin and Casey, 31	
Conoway Thomas, land donated to Congressional districts laid off 9	in Graves & Casey 117	
Conner Thomas land donated to Constables, additional allowed to the counties of Washington, Bullett, Casey, Nicholas, Jefferson, Harrison, Lawrence, Mercer, Christian, Caldwell and Rockcastle 72	in Logan, 157	
county courts may lay off twelve districts to be paid out of county levy for certain services 100	Emmerson Francis; act for benefit of his heirs, 243	
Courts John, act for benefit of his heirs 85	Erwin Andrew; act for his benefit 173	
Covington, tobacco inspection established at 22	Estill c'ty; time of holding courts, 187	
Craig William, act for benefit of his widow and heirs 30	Evidence; copies of patents admitted in certain cases, 154	
Cumberland county, act for benefit of sheriff 19	Ewing Reuben; appropriation to 127	
for relief of surveyor and Monroe, act for running line between 241	Executions; act to amend the act regulating endorsements thereon 151	
	F	
	Fayette county; county court regulated 48	
	records of surveyor to be copied 124	
	Ferry established across the Ohio on Riddles land 138	
	Findley William; act for benefit of his widow and heirs 157	
	Fleming county; election precinct established in 25	
	Flournoy Lawrence; act for the benefit of his wife & children, 129	
	Floyd county; election precinct established in 31	
	only allowed 18 justices 139	
	Franklin lodge a lottery authorised for the benefit of 95	
	G	
	Gano Richard M. and John S. act for the benefit of their heirs 71, 82	



Garrard county; election precinct established in	117	Head right, settlers under the laws of further indulged	76
may purchase tools to work on roads	209	Henderson county, entitled only to sixteen justices	139
Gatton Thomas and Carleton R; authorised to locate land	35	circuit court extended (town of)- further powers	229
General court; judge of 12th judicial district to attend	82	given trustees	176
Ghent; (town of) road from Lexington to; how to be opened	190	Hickman county, time of holding its courts	186
Graham John; act for the benefit of his widow	97	Hixon Timothy, act for benefit of his heirs	202
Graves county; election precinct established in	117	Hopkins county, allowed an additional justice	139
Gray John D; act for the benefit of his widow and heirs	200	Hospital, established at Lexington	174, 217
Green county; election precinct established in	31	Hospital at Louisville, further donations to	184
Greenup county attached to the 1st judicial district	162	Hukill Jarman, appropriation to	107
Green river; act to amend the law authorising Neat to build a dam across	74	Huling Marcus, act for his benefit	173
Grimes Esther; land donated to Grooms Hiram B. appropriation to	185	Hults Josiah, venue in his case changed	62
	192	Hufford Joseph, act for his benefit	128
<b>H</b>		<b>I &amp; J</b>	
Hardin county; election precinct established in constables district in, may be changed	31	Jackson John, act for his benefit	241
allowed additional justice	73	Jailors and Justicer, liable to an action for false imprisonment for failing to discharge debtors	12
clerk of to perform certain duties	139	out of the county levy for certain services	100
Hardin Hannah; act for her benefit	234	Jefferson county, act for benefit of sheriff	19
Harlan seminary; act for benefit of county; time of holding courts altered	70	allowed an additional constable	73
act directing sheriff to pay over certain monies	103	allowed additional justice	113
line between it and	186	circuit court changed	114
Knox to be run	1b	Jenkins Edward, sale of a part of his real estate authorised	209
allowed additional justices	160	Inspections of tobacco established at Dover and Covington	22
Harris Edward; act for benefit of his widow and heirs	98	at Louisville	193
Harrison county allowed an additional constable	73	on big Barren river	242
Harrodsburg (town of) trustees authorised to have pavements made	41	Johnson Aaron, appropriation to	65
their seminary lands authorised to be sold	76	Johnson David, his representatives relieved	40
Hartford, town of, act establishing it amended	52	Judicial districts, judge of the 13th allowed further time to move	21
Harvey John and Samuel, venue in their case changed	206	judge of the 12th to attend general court	82
Hawkins Nathan, land donated to Haydon Augustus, act for his benefit	36	Greenup county added to the first	162
	141	Justices of peace, additional allowed Brackenridge & Campbell	74
		Logan, Christian, Lawrence, Rockcastle, Lincoln	
		Hardin, Breckenridge, Todd,	

Adair and Hopkins	139	Lewis Saml. act for his benefit	174
the number in Floyd		Lexington (town of) powers of	
and Henderson limited	1b	trustees extended	113
additional allowed		Light artillery company	
in Harlan	160	lottery for	50
additional allowed		road from to Ghent how	
in Jefferson	113	to be opened	190
<b>K</b>		Library company at Springfield	
Kearns Adam jr. act for his ben-		incorporated	44
efit	173	Licking river, bridge authorised	
Keizer Lucy, act confirming the		to be built across	203
sale of certain slaves late be-		Lincoln county, election precinct	
longing to her heirs	83	established in	25
Kentucky seminary, authorised		allowed an additional	
to sell and convey a tract of		justice	139
land	83	Linney Henderson, act for benefit	
Kirkham James, an act for the		of his children	78
benefit of his heirs	46	Livingston county, act for relief of	
Knox county, provision for run-		sheriff	141
ning between it and Harlan	189	time of holding courts	187
<b>L</b>		Lobb William, act for his benefit	99
Lacey James, act for his benefit	117	Logan county, act for relief of the	
Lands, military claims further		sheriff	77
time to return plats	12	allowed an additional jus-	
a surveyor of said		tice	138
claims to be appointed	231	part added to Todd	
sale of for taxes		county	148
amended	69	chancery term repealed	155
act to indulge the		election precinct estab-	
Tellico claimants	66	lished in	157
to indulge the head		Logsdon Catharine, act for her	
right claimants	76	benefit	97
of seminaries, for		Long William B. act for his ben-	
the location of amended	77	efit	102
of non-residents how		Looney Robert. land donated to	
to be advertised	178	his widow and heirs	193
Larceny, simple law for punish-		Lotteries authorised for Lexing-	
ment of amended	216	ton Light artillery company	50
Law, department of Transylvania		for Paris Union lodge	90
duty imposed on the sales at		for Montgomery lodge	92
auction for the benefit of	160	for opening road from	
process, the law for		Beaver creek iron works	92, 94
the collection of tax on, amen-		for Springfield lodge	94
ded	214	for Franklin lodge	95
Lawless Ben. act for his benefit	40	for medical school	149
Lawrence county, allowed an ad-		for draining the ponds	
ditional constable	73	in and near Louisville	181
voters in where to vote	104	Louisa (town of) established	237
allowed an addition-		Louisville (town of) tobacco in-	
al justice	139	spection established in	193
time of holding court		Louisville hospital, further dona-	
changed	163	tions to	184
town of Louisa in		Lunatic asylum established	174
established	237	law amended	217
Legislature, time of annual meet-	227	Lyon James, act for his bene-	
ing changed		fit	42
Lewis county, time of holding		<b>M</b>	
courts changed	162	Madison county, house of public	

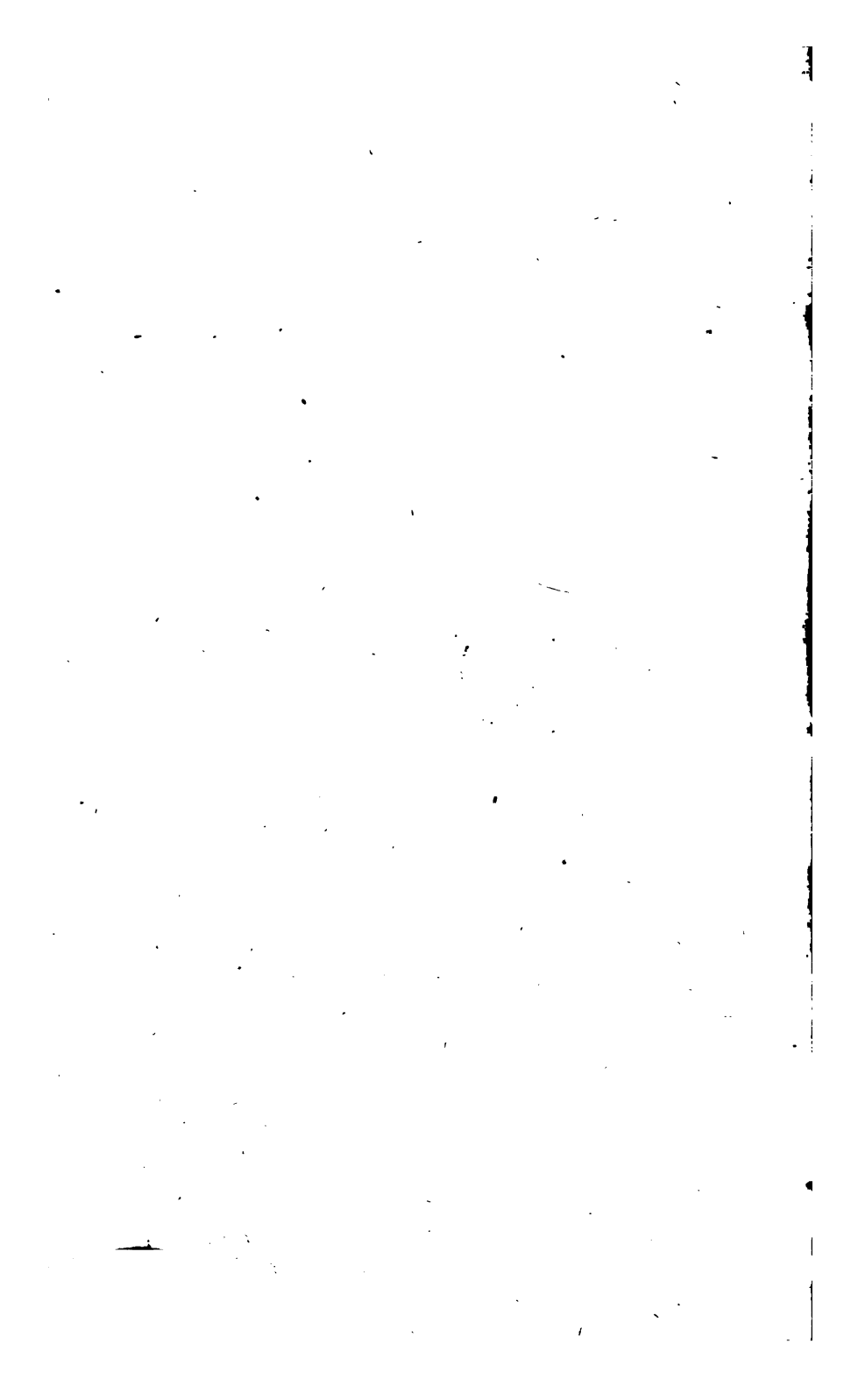
worship to be erected on public ground	227	tional constable	72
Marrs Samuel, act for benefit of his children	58	Noel Joel and Judith, act for benefit of their heirs	205
Mason county, time of holding the chancery term altered	162	Noland Jesse, appropriation to	210
may purchase tools to work on roads	209	Non residents lands, how to be advertised	178
Masquirer Lewis, act for benefit of his heirs	101	North Daniel, act for relief of his heirs	110
Matthews James, land donated to	81	<b>O</b>	
Medical school, lottery for benefit of	149	Ohio county, act for benefit of sheriff	143
Mercer county, allowed an additional constable	73	Owen county, attached to fourth bank district	38
Metcalfe John, act for his benefit	24	<b>P</b>	
M'Daniel John and Enos, appropriation to	107	Paris Union Lodge, lottery for benefit of	90
M'Galin Sally, act for the relief of	29	Patents, copies evidence in certain cases	154
M'Guire Nathaniel, appropriation to	100	Payne Silas, act for his benefit	136
Military land claims, further time to return plats of	12	Payne Thomas, authorised to locate lands	35
Militia law, amended	208	Peck William, appropriation to	127
Mitchell Archibald act for benefit of his heirs	47	Penal law, in relation to simple larceny amended	216
Money, acts for appropriation of	13, 222	Penitentiary, part of its debts discharged	173
Moore Elizabeth, act for her benefit	215	justices of the peace to have jurisdiction of debts under fifty dollars	194
Monroe county, act for running line between it and Cumberland	241	act to enlarge it and provide for a more speedy sale of articles manufactured therein	195
Montgomery academy, mode of appointing trustees to altered	58	Perry county, time of holding court altered	186
Montgomery James, act for his benefit	116	Pike county, time of holding court changed	163
Montgomery lodge, lottery for benefit of	92	Prewett David sen. act for his benefit	70
Morgan county, formed	145	Printers, their fees regulated	218
Morning Post and Commercial Advertiser, editors of authorised to insert certain advertisements	22	Prison bounds extended to state	12
Mosely Nancy, divorced	203	Prewett David, land donated to	81
Mount Vernon (town of) act, to regulate	153	Pulaski county, time of holding courts changed	186
Muhlenburg county, to sixth bank district	38	Pursell Peter, divorced	217
Myers David, appropriation to	100	<b>R</b>	
<b>N</b>		Ray Joseph, act for his benefit	225
Neat Randolph, authorised to build a mill across Green river	74	Razor Isabella, act for benefit of her administrators	110
Newland Bononi S. act for his benefit	42	Removed certificates, owners of protected	66
Newspapers, editors of certain authorised to insert advertisements	22, 75, 233	Reports of the decisions of the court of appeals to be published	244
Nicholas county, allowed an additional constable		Resolutions, at May and October sessions	15, 247
		Richmond Republican and Far-	

mers Chronicle, editors of authorised to insert advertisements		Shippingport (town of) powers of trustees extended	111
Riddle James, a ferry established on his land	22	Simpson and Allen counties, line between established	51
Roads, from Beaver iron works to Prestonsburg, lottery authorised to open	138	Singleton Merit, act for his benefit	28
Frankfort to Bowling-Green	92	Singleton Polly and Betsey, land donated to	228
same, from Olympian Springs	211	Smith John, act for benefit of his heirs	89
Bowling-Green to the mouth of Clover creek	94	Snell John, appropriation to	192
persons over 50 years of age exempted from working on certain county courts may purchase tools to work on	212	Specie, contracts for how proceeded on	151
from Mountsterling to Virginia line act concerning	108	Springfield circulating library company incorporated	44
from Lexington to Ghent how established	209	lodge, lottery for the benefit of	93
from Georgetown to Cincinnati regulated	116	Sterne John W. appropriation to	210
Robertson Simeon, appropriation to	190	Strond Susannah act for her relief	21
Robertson Leonard, act for the benefit of his widow and heirs	207	Surveys of military claims further time given to return	12
Rockcastle county, allowed an additional constable and justice	107	act authorising the appointment of a surveyor in Fayette office to be copied	231
act for benefit of sheriff	107		124
time of holding court changed	139	<b>T</b>	
Ross Angus, authorised to locate land	143	Taxes; sale of lands for, amended on stock in bank of Kentucky, repealed	69
Rowe Thomas, appropriation to	186	on law process; law for collection of amended	121
Russell Abner, land donated to	49	Taylor Isaac; act for his relief	214
<b>S</b>		Tellico, settlers further indulged	228
Salt River, act suspending an act concerning the navigation of Chaplines fork of	49	Temple Burrell, land donated to	66
Scott Wm. act for the relief of	42	Templin Nancy, act for her benefit	79
See John, act for his benefit	80	Thomas John P. act for his benefit	96
Seminary lands, act concerning the location of		Thompson Israel, act for benefit of his heirs	116
Sepple Wm. appropriation to		Tobacco, inspections of established at Dover and Covington	148
Sergeant of the court of appeals act for his relief	225	at Louisville	22
Settlers, on Tellico claims further indulged	29	Todd county allowed an additional justice	193
and on head right claims	116	part of Logan added to	139
Shannon James, act for benefit of his heirs	77	Towns, Harrodsburg, Hartford, 41, 52, Columbus, Shippingsport, 105, 111 Lexington, Cadiz, 113, 130 Mountvernon, Shepherds-	148
Shelby county, authorised to alter a constables district	100	ville, Henderson, 153, 176, Wadsboro, Louisa 218, 237	148
Shepherdsville (town of) further regulated	230	acts concerning	148
	66	Trabue Daniel, act for his benefit	173
	76	Transylvania University, lottery for medical department	149
	126	duty on sales at auction for law department	160
	72		
	153		

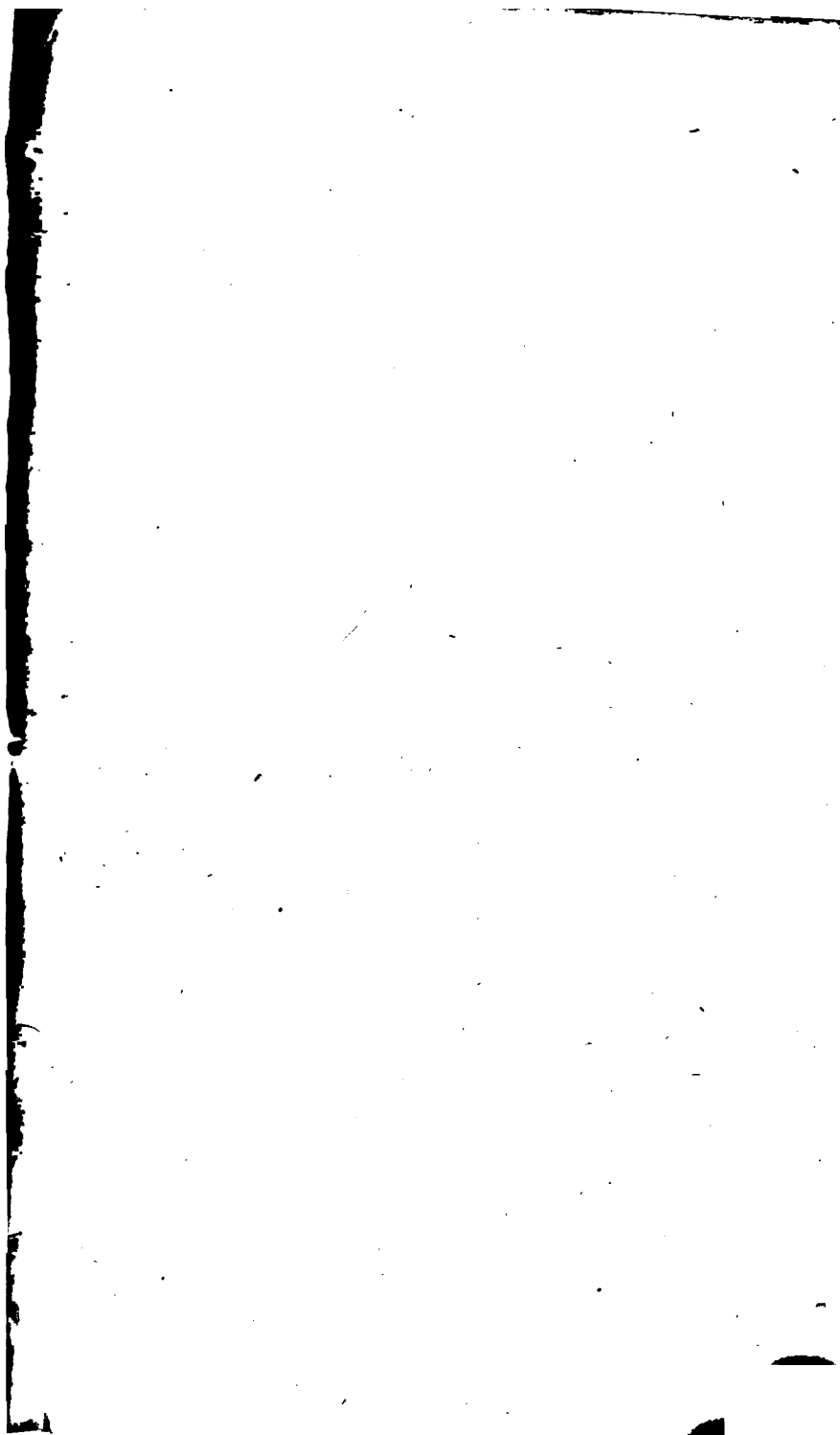
True Ben. act for benefit of his widow and heirs	125	precinct established in	31
Turner Andrew, appropriation to	100	Allowed an additional constable	72
Turnpike road, from Georgetown to Cincinnati regulated	207	Terms of courts changed	115
Tyler John, act for his benefit	136	Watts Joseph; act for his relief	110
<b>U</b>		Wayne county; act for relief of sheriff	103
Union county, proceedings of county court legalized	23	Wells John; appropriation to	192
act for the relief of sheriff	141	Western Watchman; authorised to publish certain advert.ements	75
<b>V</b>		Whaley John G: appropriation to	100
Vacant lands, debt due for sale of regulated	76	Whitehead Joshua; and Brock Betsey, marriage between legalized	68
Virginia, resolutions relative to compact with at May session	15	Whitesworth John; appropriation to	100
at October session	247	Whitley county, time of holding courts altered	186
appropriation to the commissioners	152	Williams Asa, appropriation to	107
act authorising the appointment of a surveyor to military lands	231	Williams John, part of his real estate to be sold	235
<b>W</b>		Wilson Daniel, act for benefit of his devisee	56
Waldsboro; Town of established	218	Wilson Constant A, appropriation to	127
Walker Rebecca; divorced	98	Woods James, lands relinquished to	86
Walton Claibourn; act for benefit of his heirs	129	, for benefit of widow	97
Warren county; Chancery term allowed to	155	Worth Samuel, act for benefit of his heirs	56
Warren Lodge; Lottery for benefit of	95		
Washington county, election			

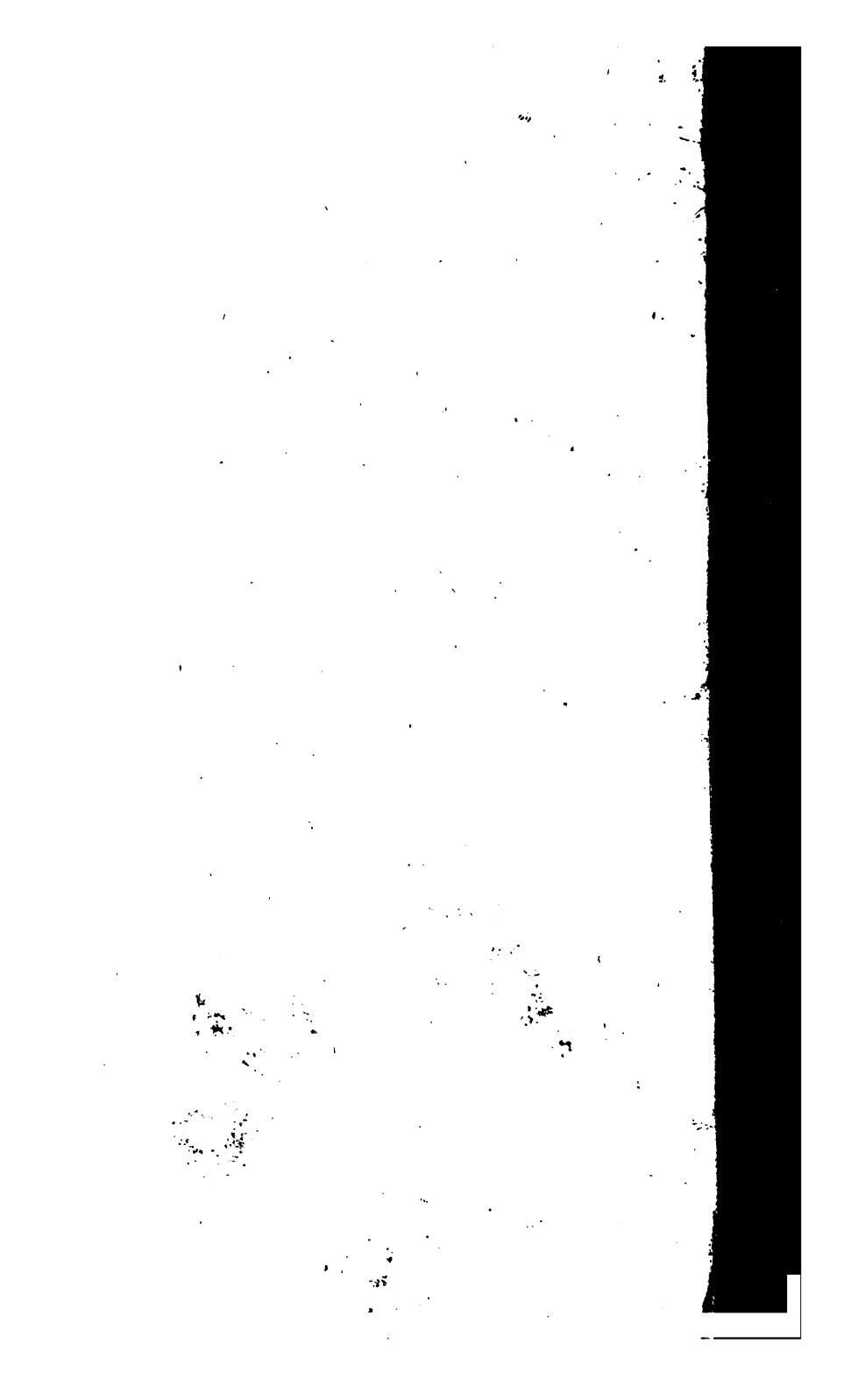












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